

DEPARTMENT OF PLANNING
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: October 27, 2010 **DECISION DEADLINE:** May 7, 2011
ZCPA 2005-0011, Qwest at Le Bourget Business Park
PROJECT MANAGER: Judi Birkitt **DIRECTOR:** Julie Pastor, AICP
ELECTION DISTRICT: Dulles

EXECUTIVE SUMMARY

Qwest Communication Company LLC of Denver, Colorado, has submitted an application to amend the Concept Plan and Proffer Statement approved with ZMAP 1985-0021 and ZMAP 1986-0015, Le Bourget Industrial Park, in order to retain Wilder Court as a private road to serve the existing data center. Since approval of the rezoning, the three (3) lots that were intended to be served by a public street have been consolidated into one (1) lot. Therefore, a public street is not an option, as VDOT requires that each public road serves a minimum of 3 users.

The subject property consists of two parcels totaling approximately 11.92 acres (Wilder Court is a separate parcel). The site is developed with an existing 131,192 square foot building. No increase in density is proposed. The property is located within the PD-GI (Planned Development – General Industry) zoning district under the 1972 Zoning Ordinance, within the AI (Airport Impact) Overlay District, outside of but within one (1) mile of the Ldn 60, and within the Route 28 Highway Improvement Tax District. The property is situated at the intersection of Old Ox Road (Route 606), Relocation Drive (Route 775), and Underwood Lane (Route 866) at 22995 Wilder Court in Sterling. The area is governed by the policies of the Revised General Plan (Suburban Policy Area (Sterling Community)) and the Dulles North Area Management Plan, which designate this area for industrial uses.

RECOMMENDATION

Staff recommends approval subject to the proffers dated September 7, 2010. The proffers are currently under review.

SUGGESTED MOTIONS

1. I move that the Planning Commission forward ZCPA 2005-0011, Qwest at Le Bourget Business Park, to the Board of Supervisors with a recommendation of approval, subject to the Proffer Statement dated September 7, 2010, and with the Findings contained in the October 27, 2010 Staff Report.

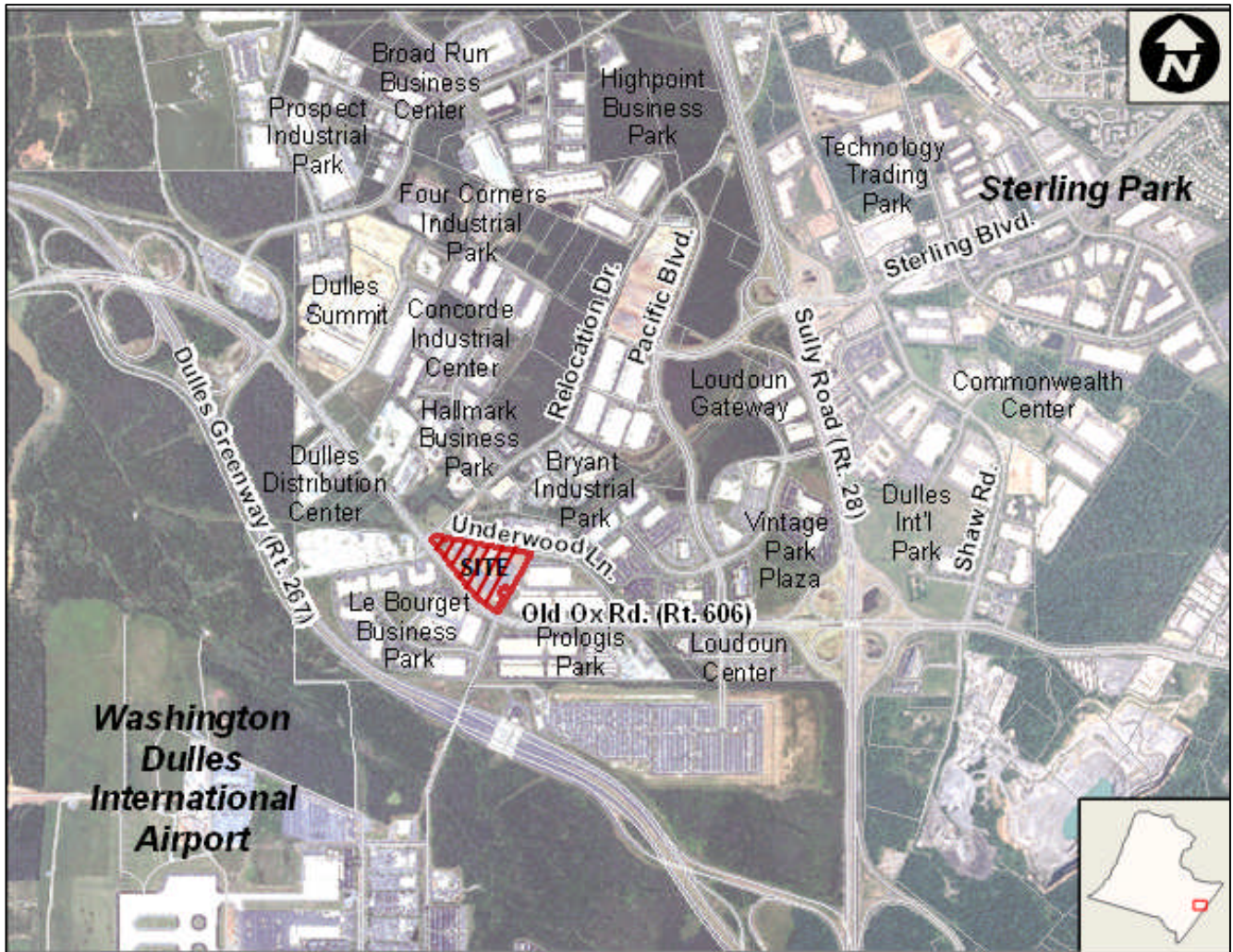
OR

2. I move that the Planning Commission forward ZCPA 2005-0011, Qwest at Le Bourget Business Park, to a worksession for further discussion.

OR

3. I move that the Planning Commission forward ZCPA 2005-0011, Qwest at Le Bourget Business Park, to the Board of Supervisors with a recommendation of denial.

Vicinity Map



Directions:

From Leesburg, take the Dulles Greenway (Route 267) east. Merge onto Old Ox Road (Route 606) via Exit 8B. Turn left onto Wilder Court to view the site on the left.

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Graphic 1. Qwest at Le Bourget Business Park



Source: Staff photograph. Old Ox Road elevation.

I. APPLICATION INFORMATION

APPLICANT Qwest Communication Company LLC
 Dan Gleason
 1801 California Street, Suite 4600
 Denver CO 80202
 303-965-2779
dan.gleason@qwest.com

REPRESENTATIVE McGuire Woods LLP
 Jonathan Rak and Lori Greenlief
 1750 Tysons Blvd., Suite 1800
 McLean VA 22102
 703-712-5411 and 703-712-5433
jrak@mcguirewoods.com and lgreenlief@mcguirewoods.com

REQUEST A **Zoning Concept Plan Amendment** (ZCPA) to revise the approved Concept Development Plan and Proffer Statement approved with ZMAP 1985-0021 and ZMAP 1986-0015, Le Bourget Business Park, in order to retain Wilder Court as a private road. The application was accepted on May 7, 2010.

LOCATION The intersection of Old Ox Road (Route 606), Underwood Lane, and Relocation Drive (Route 775), at 22995 Wilder Court in Sterling.

PROPERTY/PARCEL#/ACREAGE OF SITE

Tax Map #	PIN #	Acreage
/94//21////12/	046-36-8231	11.51 acres
/94//21////A/ (Wilder Court)	046-37-2605	0.4 acres
		11.92 acres

ZONING PD-GI (Planned Development – General Industrial), under the 1972 Zoning Ordinance
 AI (Airport Impact) Overlay District, outside of but within 1 mile of the Ldn 60
 Route 28 Highway Improvement Tax District

SURROUNDING ZONING/ LAND USES

	ZONING	PRESENT LAND USES
NORTH	PD-GI	Industrial
SOUTH	PD-GI	Industrial (Northpointe)
EAST	PD-IP	Industrial (Prologis)
WEST	PD-GI	Industrial

II. SUMMARY OF DISCUSSION

TOPIC / ISSUE AREA	ISSUES EXAMINED AND STATUS
Comprehensive Plan	<ul style="list-style-type: none"> Consistency with the <u>Revised General Plan</u> land use policies (Suburban Policy Area - Sterling Community). The area is planned for industrial uses. Status: No issues.
Zoning	<ul style="list-style-type: none"> Consistency with the proffers associated with ZMAP 1985-0021 and ZMAP 1986-0015, Le Bourget Business Park. Status: No issues. Consistency with the PD-GI zoning district regulations under the <u>1972 Zoning Ordinance</u>. Status: No issues.
Transportation	<ul style="list-style-type: none"> Consider installing a westbound right turn lane on Old Ox Road at Wilder Court. Status: Resolved. Not installing the turn lane is reasonable based on the low traffic volume generated by the data center use. Consider proffering to only data center uses. Status: Resolved with a proffer. Install signage limiting truck traffic to Underwood Lane. Status: Resolved with a proffer.
Environmental	<ul style="list-style-type: none"> No issues.
Fire & Rescue	<ul style="list-style-type: none"> Contribution proffered and provided with ZMAP 1985-0021 and ZMAP 1986-0015, Le Bourget Business Park. No issues.
Proffer Statement	<ul style="list-style-type: none"> Currently under review.
Disclosure of Real Parties in Interest	<ul style="list-style-type: none"> Received, dated September 24, 2010.

POLICY OR ORDINANCE SECTIONS SUBJECT TO APPLICATION
<u>Revised General Plan</u>
Chapter Four: Economic Development, Business Land Use and Corridor Development. E. Route 606 (Old Ox Road).
Chapter Five: The Green Infrastructure.
Chapter Six: Suburban Policy Area.
Chapter Seven: Planned Land Use Map.
<u>2010 Revised Countywide Transportation Plan</u>
Chapter 2: County Road Network. II. A. Countywide Transportation Plan Map.
Appendix 1 – Planning Guidelines for Major Roadways.
Appendix 6 – Planning Guidelines for Bicycle and Pedestrian Facilities.
<u>Dulles North Area Management Plan (DNAMP)</u>
Chapter VI: Transportation Policies
<u>1972 Zoning Ordinance</u>
Section 700: PD: Planned Development Districts, Generally.
Section 723.2: Planned Development – General Industrial - PD-GI.

III. FINDINGS FOR APPROVAL

1. Wilder Court serves only one lot, and is therefore, not eligible for acceptance into the Virginia Department of Transportation (VDOT) public street system.
2. For this particular application, not installing a westbound right turn lane on Old Ox Road (Route 606) at Wilder Court is reasonable, given the nominal number of employees, the low volume of traffic generated by the use, and the negligible number of AM peak hour right turns onto Wilder Court, in addition to the applicant's proffer limiting the use of the property to data centers and limiting truck traffic to the Underwood Lane entrance.
3. The data center use is consistent with the Revised General Plan land use policy for the Sterling Community of the Suburban Policy Area and the Dulles North Area Management Plan (DNAMP).
4. The Zoning Concept Plan Amendment application does not impact any elements of the Green Infrastructure, as identified in the Revised General Plan.
5. The Zoning Concept Plan Amendment application is consistent with the Concept Development Plan and Proffer Statement associated with ZMAP 1985-0021 and 1986-0015, Le Bourget Business Park, with no resulting change in development density.
6. The Zoning Concept Plan Amendment application is in accordance with the 1972 Zoning Ordinance.

IV. PROJECT REVIEW

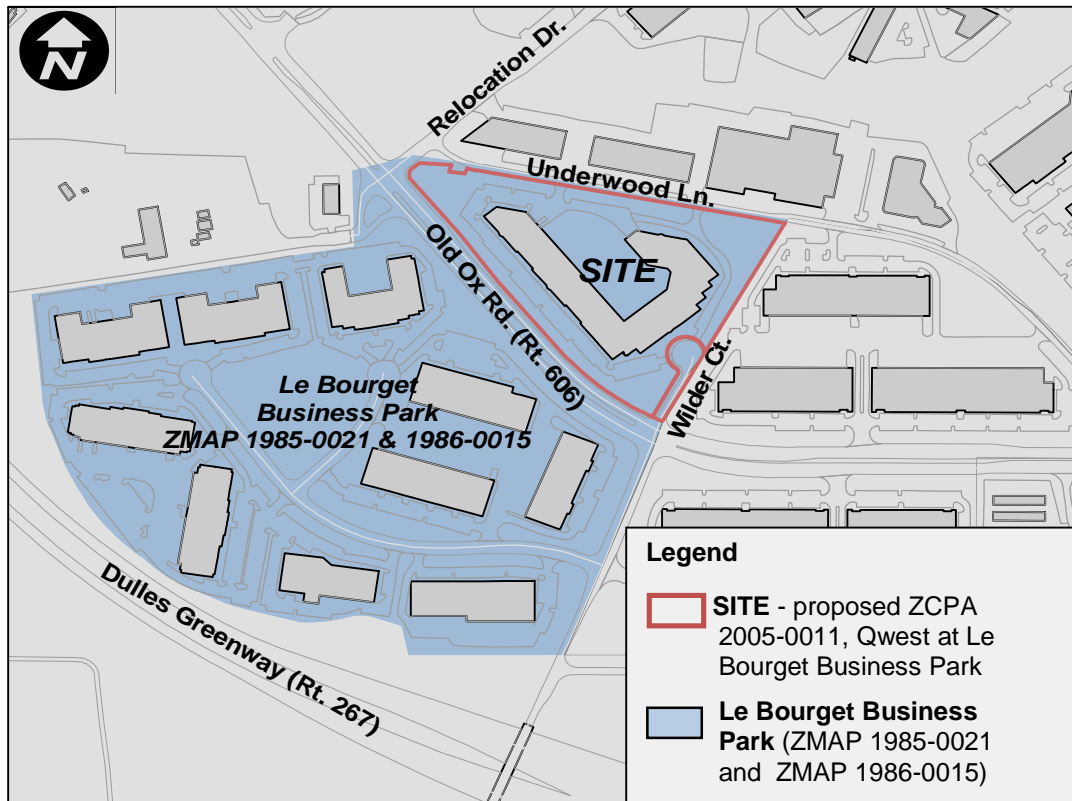
A. CONTEXT

Background

On September 15, 1986, the Board of Supervisors approved ZMAP 1985-0021 and ZMAP 1986-0015, rezoning 75.93 acres from R-1 to PD-GI (Planned Development – General Industrial) in order to create Le Bourget Business Park. The business park is located at the intersection of Old Ox Road (Route 606), Relocation Drive (formerly Cedar Green Road/Route 775), and Underwood Lane (Route 866). Old Ox Road bisects the business park. (Refer to Graphic 2.)

The subject of this application is the portion of the business park located on the northeast side of Old Ox Road. The originally approved Concept Plan shows three (3) lots situated north of Old Ox Road. However, the 3 original lots were later consolidated (BLAD 1989-0021, 1989-0210, 1999-0013) and developed with the existing one-story, 131,192 square-foot building.

Graphic 2. Le Bourget Business Park



Source: Staff illustration/County GIS records.

Qwest purchased the property in December 2009, and is using the existing building as a data center. The facility is secure and enclosed with chain link fencing topped with rows of wire. Bollards surround the perimeter of the fence. Manned guard houses are situated at the two gated entrances located at Wilder Court and Underwood Lane.

Established warehouse and industrial uses occupy the portion of Le Bourget Business Park that is located on the southwest side of Old Ox Road (Northpointe). Prologis Park, a large established distribution center, is located east of the subject property. Dulles Distribution Center is located to the west. Smaller established light industrial parks are located to the north.

Request

The applicant proposes to amend proffers #5 and #8 of the approved Proffer Statement associated with ZMAP 1985-0021 and ZMAP 1986-0015, Le Bourget Business Park in order to retain Wilder Court as a privately owned and maintained road. (Refer to Attachment 5.b). Proffer #5 required constructing a two-lane road (Road C) from Old Ox

Road (Route 606) northerly and westerly to serve three lots. (See Graphic 3). Proffer #8 also called for all internal and on site roads to be dedicated for public road purposes.

Since the three lots proposed to be served by Road C were consolidated, the two-lane public road was never constructed. Instead, a shorter segment from Old Ox Road northerly was constructed as a private road and named Wilder Court. Since Wilder Court serves only one parcel, fulfillment of the proffer requiring a public street is not an option, as VDOT requires that each public road serves a minimum of three users.

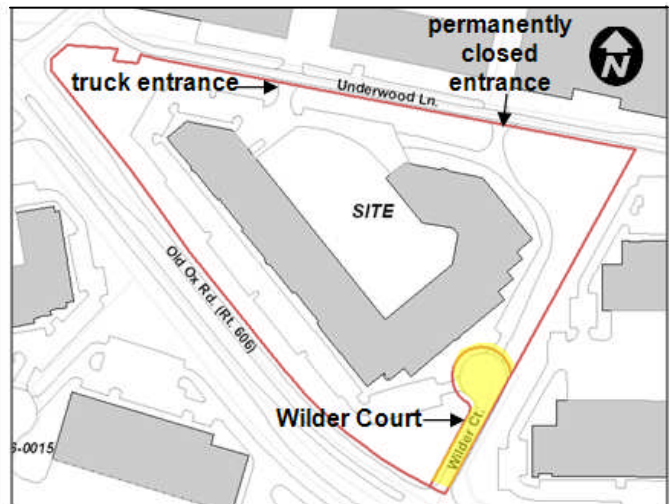
Graphic 3. Previously Proffered Lot Configuration and Public Road Versus Proposed Lot Configuration and Private Road

3 Lots and a Public Road



Source: Approved Concept Plan for Le Bourget Business Park, ZMAP 1985-0021 and ZMAP 1986-0015.

1 Lot and a Private Road



Source: Staff illustration/County GIS records.

B. SUMMARY OF OUTSTANDING ISSUES

Staff has no issues with the applicant's request to retain Wilder Court as a private street. However, Staff has identified one area in which the applicant's proposal is inconsistent with the 2010 Countywide Transportation Plan (CTP).

1. The CTP states that left and right turn lanes are required at all intersections on this section of Old Ox Road (Route 606). The applicant does not propose to install a westbound right turn lane on Old Ox Road at Wilder Court. Given the low traffic volume that the data center generates, Staff finds that not installing a right turn lane is reasonable.

C. OVERALL ANALYSIS

COMPREHENSIVE PLAN

Land Use

The property is located within the Sterling Community of the Suburban Policy Area and is specifically governed by the Revised General Plan (RGP), as well as the Dulles North Area Management Plan (DNAMP). The RGP identifies the site as suitable for industrial uses.

The site is currently used as a data center, which is consistent with the policy guidance for the area. The applicant's proffers limit uses on the subject property to data centers. Any other future use would require a Zoning Concept Plan Amendment (ZCPA).

ENVIRONMENTAL

This application has no outstanding environmental issues. The site is not environmentally sensitive. The applicant is occupying an existing building in an established business park. No impacts to environmental features are proposed.

ZONING

There are no outstanding Zoning issues. The applicant has completed the plat and proffer revisions that Staff requested during the referral process.

Existing Zoning

The property is zoned PD-GI (Planned Development – General Industry) under the 1972 Zoning Ordinance and is located within the AI (Airport Impact) Overlay District, outside of but within 1 mile of the Ldn 60, and within the Route 28 Highway Improvement Tax District. Within the PD-GI zoning district, the maximum allowed building floor area is 0.40. The subject property is developed at a building floor area of 0.26. No increase in density is proposed as part of this Zoning Concept Plan Amendment (ZCPA).

Previous Approvals

Staff has reviewed the application for consistency with the Proffer Statement for ZMAP 1985-0021 and ZMAP 1986-0015, Le Bourget Business Park. The entire Le Bourget Business Park will continue to be subject to that Proffer Statement. If approved, the additional and revised proffers associated with the proposed ZCPA, Qwest at Le Bourget Business Park, would apply only to the subject property.

TRANSPORTATION

Staff and VDOT have no issues with Wilder Court remaining a privately owned and maintained road. However, Staff has identified one area in which the applicant's proposal is inconsistent with the 2010 Countywide Transportation Plan (CTP). That is discussed below under the heading "Westbound Right Turn Lane".

Access

Wilder Court, accessed from Old Ox Road (Route 606), provides access solely to the subject site (See Graphic 4). As a private road, it is not part of the CTP network. At present, the segment of Old Ox Road in the vicinity of the site is an urban four- to six-lane (U4M/U6M) median divided section within a 120-foot right-of-way (ROW). A left turn lane and a traffic signal are in operation at the intersection of Old Ox Road and Wilder Court/Ariane Way.

Graphic 4. Site Entrances

***Wilder Court Facing Southwest
Towards Old Ox Road***



Wilder Court Facing Northeast



***Underwood Lane's Gated
Truck Entrance with Guard House***



Source: Staff photos.

Truck traffic and deliveries currently and will continue to access the site from the gated Underwood Lane entrance, which is proximate to the loading area. The applicant is proffering that all truck traffic will use the Underwood Lane entrance and that a sign will be installed at the Wilder Court entrance stating that truck traffic must use Underwood Lane (Proffer 4).

Westbound Right Turn Lane

Staff has identified a discrepancy between the CTP and the applicant's proposal. The CTP states that left and right turn lanes are required at all intersections on the section of Old Ox Road (Route 606) between Sully Road (Route 28) and the Dulles Greenway (Route 267). This would include the westbound right turn lane on Old Ox Road at Wilder Court. The intent of the policy is to maintain safe driving conditions on this segment of Old Ox Road because it carries a high volume of fast-moving traffic, much of which is truck traffic, due to the surrounding industrial uses. The most recent (2009) VDOT traffic counts indicate that Old Ox Road in the vicinity of the site carries approximately 30,000 vehicles per day.

The applicant's traffic memo indicates that the right turn lane is not warranted based on the minimal number of peak hour trips and AM peak hour right turns that the data center use will generate. According to the memo, Qwest's 25 to 30 employees will be divided among three shifts, generating 8 AM peak hour trips and 4 PM peak hour trips. During the AM peak, entering traffic would be split with approximately 66 percent traveling from the west and 34 percent from the east, resulting in approximately 12 left turns and 6 right turns onto Wilder Court.

Staff finds that for this particular application, not installing a westbound right turn lane is reasonable, given the nominal number of employees, the minimal number of peak hour trips, and the negligible number of right turns onto Wilder Court, in addition to the applicant's proffer to limit the use of the property to data centers and to limit truck traffic to the Underwood Lane entrance. Staff notes that any use other than a data center would generate significantly more traffic, which would warrant a new traffic study and potential road improvements, such as the westbound right turn lane.

FIRE AND RESCUE

The Sterling Volunteer Fire and Rescue Company (Station 11/15) will continue to serve the site with an estimated response time of 5 minutes and 38 seconds.

Staff notes that the previously approved proffers for Le Bourget Business Park provided a fire and rescue contribution of 10 cents per square foot (proffer #18). That contribution is commensurate with current County policy and has already been provided.

D. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 1208.2 of the 1972 Loudoun County Zoning Ordinance states “The Board shall determine that the following requirements are met, or be assured that they will be met, in acting upon a petition to change the zoning boundaries or classification of property on the zoning map:”

Standard 1208.2.1 Relation to major roads. Except as otherwise specifically provided herein, parcels which are the subject of requests for changes of zoning classification shall be so located with respect to arterial or collector roads as to provide direct access to such parcel without creating increased traffic along minor streets in residential neighborhoods outside the district. Neither enlargement nor extension of such arterial or collector roads shall be required in a manner, form, character, location, degree, scale, or at such time, as would result in a higher net public cost than would development and forms generally permitted under existing zoning on the parcel or parcels which are the subject of the petition.

Analysis Direct access will continue to be provided to the site from Old Ox Road, which is a major collector, via Wilder Court. As proffered, truck traffic is limited to the Underwood Lane entrance. The applicant’s traffic information indicates that 25 employees will be spread across three shifts, generating a minimal increase in traffic volume. The traffic memo does not indicate increased traffic along minor streets in residential neighborhoods outside of the PD-GI zoning district. The request will result in no discernable increase in net public costs.

Standard 1208.2.2 Relation to utilities. Except as otherwise specifically provided herein, districts shall be so located in relation to sanitary sewers, water lines, storm and drainage systems and other utilities systems and installations, that neither enlargement nor extension of such system will be required in a manner, form, character, location, degree, scale, or at such time, as would result in a higher net public cost than would development in forms generally permitted under existing zoning on the parcel or parcels which are the subject of the zoning petition.

Analysis Approval of the zoning concept plan amendment would not result in a higher net public cost associated with utilities. All utilities are in place and will continue to serve the existing data center. The request will result in no discernable increase in net public costs associated with utilities.

Standard 1208.2.3 Relation to public facilities. Except as otherwise specifically provided herein, districts shall be so located, designed and scaled with respect to necessary public facilities, including in the case of development of a residential character, public schools, parks, recreational sites, open

spaces and other facilities, that the net public cost is not greater than the public cost as would result under the existing zoning of the parcel.

Analysis Approval of the request would not change the property's existing PD-GI zoning. There is no discernible, immediate impact on County expenditures associated with the ZCPA. The existing data center use will continue to operate. The development does not include a residential component. As with most commercial projects, it is anticipated that revenues generated by the use will exceed the cost of providing public services.

Standard *1208.2.4 Additional public facilities. Except as otherwise specifically provided herein, the zoning classification of parcels which are the subject of requests for changes of their classifications, shall not be changed if development, as would be permitted under the new classification, would create the need or necessity for additional public facilities, including, in the case of development of a residential character, public schools, parks, recreational sites, open spaces and other facilities, and the net public costs would be greater than the public costs for the public facilities necessitated by development as permitted under the existing zoning of the parcel.*

Analysis The applicant does not propose changing the property's PD-GI zoning classification. As there is no residential component, and the existing data center use is proposed to continue, approval of the application will not generate the need for additional public facilities or expenditures beyond those that are already available to serve the existing data center use.


V. ATTACHMENTS	PAGE NUMBER
1. Review Agency Comments	
a. Planning, Comprehensive Planning (07-15-10)	A-1
b. Building and Development, Zoning (07-01-10)	A-2
d. Office of Transportation Services (09-22-10)	A-3
e. Virginia Department of Transportation (07-12-10)	A-7
g. Fire, Rescue, and Emergency Management (07-06-10)	A-8
2. Disclosure of Real Parties in Interest (09-24-10)	A-9
3. Applicant's Response to Referral Comments (09-07-10)	A-23
4. Applicant's Statement of Justification (09-07-10)	A-27
5. Applicant's Proffers	
a. ZCPA 2005-0011, Qwest at Le Bourget Business Park, Proffer Statement (09-07-10)	A-31
b. ZMAP 1985-0021 and ZMAP 1986-0015, Le Bourget Industrial Park, approved Proffer Statement (09-12-1986)	A-33
6. Zoning Concept Plan Amendment Plat (April 2010)	follows A-41

County of Loudoun
Department of Planning

MEMORANDUM

DATE: July 15, 2010

TO: Stephen Gardner, Project Manager, Land Use Review

FROM: Marie Genovese, AICP 
Planner III, Community Planning

SUBJECT: ZCPA 2005-0011, Qwest at Le Bourget Business Park

Qwest Communication Company LLC, is requesting a Zoning Concept Plan Amendment to amend the proffers associated with the Le Bourget Industrial Park (ZMAP 1985-0021 and ZMAP 1986-0015) rezoning applications. The property is located north of Route 606 (Old Ox Road), east of Cedar Green Road, and west of Route 28. The subject site consists of approximately 11.92 acres zoned PD-GI (Planned Development – General Industrial) governed under the provisions of the 1972 Zoning Ordinance. The property is located in the Sterling Community of the Suburban Policy Area and is specifically governed by the Revised General Plan and the 2010 Revised Countywide Transportation Plan, as well as the Dulles North Area Management Plan (DNAMP). The Revised General Plan identifies the site as suitable for Industrial uses (Revised General Plan, Chapter 7, Planned Land Use Map).

The property was rezoned on September 15, 1986 permitting the development of an industrial park. The proffers associated with this application called for the construction of a two-lane road (Road C) extending from Route 606 north and westerly to serve three lots. The proffers also called for all internal and on site roads to be dedicated for public road purposes and constructed to VDOT standards [formerly the Virginia Department of Highways and Transportation (VDH&T)]. The three lots proposed to be served by Road C were combined into one lot and therefore, the two-lane public road was never constructed. Instead a shorter segment directly off of Route 606 was constructed as a private road, Wilder Court, to serve the property. Pursuant to VDOT regulations, the road is not eligible for acceptance into the state highway system since it serves fewer than three properties.

RECOMMENDATION

Staff has no issue with the requested Zoning Concept Plan Amendment.

cc: Julie Pastor, AICP, Director, Planning
John Merrithew, AICP, Assistant Director, Planning



ZONING ADMINISTRATION 1st REFERRAL

DATE: July 1, 2010

TO: Steven Gardner, Project Manager

THROUGH: Marilee Seigfried, Deputy Zoning Administrator

FROM: Cindy Lintz, AICP, Zoning Administration

SUBJECT: ZCPA 2005-0011, Qwest at Le Bourget Business Park

LCTM: /94//21////12 **MCPI:** 046-36-8231
/94//21////A 046-37-2605

The Zoning Administration has reviewed the first submission of the above referenced application and has the following comments:

Proffer Statement

1. First paragraph, staff suggests removing "GPIN" in front of the parcel number and replacing it with "MCPI".
2. Staff suggests that you replace #1 & #2 with the following:
 1. The Development of the property shall be in substantial conformance with the Concept Development Plan identified as Sheets 1-4 of the "North Point Le Bourget Business Park Lot 12A – 1 & Parcel A", dated April 2010, prepared by Stantec Consulting Inc.
 2. Proffer 5 deleted in its entirety.
 3. Proffer 8 deleted in its entirety.
3. Sheet 4, label "Exhibit B".

County of Loudoun
Office of Transportation Services

MEMORANDUM

RECEIVED

SEP 22 2010

LOUDOUN COUNTY
DEPARTMENT OF PLANNING

DATE: September 22, 2010

TO: Judi Birkitt, Project Manager
Department of Planning

FROM: Marc Lewis-DeGrace, Transportation Planner *MLOG*

SUBJECT: ZCPA 2005-0011 — Qwest at LeBourget Business Park
Second Referral

Background

This referral updates the status of issues identified in the first Office of Transportation Services (OTS) referral on this application (dated August 5, 2010). This Zoning Concept Plan Amendment (ZCPA) application requests to amend the Concept Plan and Proffers approved with ZMAP 1985-0021 and ZMAP 1986-0015 in September 1986. The 11.5-acre subject property is zoned Planned Development – General Industry (PD-GI) and currently used as a data center. Access to and from the site is proposed to remain via existing Wilder Court, which connects to Old Ox Road (VA Route 606) at a signalized intersection opposite Ariane Way (VA Route 950).

This update is based on review of materials received from the Department of Planning on September 10, 2010, namely (1) a letter responding to first referral comments, dated September 7, 2010 prepared by McGuire Woods, LLP, (2) a draft proffer statement dated September 7, 2010, (3) a revised statement of justification dated April 2010 and revised through September 7, 2010, and (4) a plan set prepared by Stantec Consulting dated April 20, 2010. OTS staff also participated in a meeting with the Applicant's representatives and other County staff on September 2, 2010.

Status of Transportation Issues/Comments

Staff comments from the first OTS referral as well as the Applicant's responses (quoted directly from its September 7, 2010 response letter) and current issue status, are provided below.

1. Initial Staff Comment (1st Referral): OTS has no issues with the Applicant's proposal to retain Wilder Court as a private street. The Applicant should ensure that the roadway meets all applicable FSM requirements for private streets.

Applicant's Response (September 7, 2010): Wilder Court meets all FSM requirements for private roads.

Issue Status: Issue resolved.

2. **Initial Staff Comment (1st Referral):** The 2010 CTP calls for left- and right-turn lanes at all intersections along Old Ox Road. Given current speeds and traffic volumes along this roadway, the Applicant should install a right-turn lane to VDOT standards for safety reasons and driver expectations. It is noted that right-turn lanes are in place at many other intersections (including private driveways) on this segment of Old Ox Road. Absent the installation of a right-turn lane, Wilder Court should be closed, at least to inbound traffic, and alternative ingress/egress be provided via one or both of the existing rear site entrances from Underwood Lane. If access from Underwood Lane is pursued, a traffic analysis demonstrating the impact of site trips on the intersections of (1) Old Ox Road and Relocation Drive (VA Route 775) and (2) Relocation Drive and Underwood Lane should be provided for review.

Applicant's Response (September 7, 2010): The recommendations of the Comprehensive Transportation Plan take into account existing zoning and planned uses for property within Loudoun County. The subject property, zoned PD-GI, could be developed with much more traffic intensive uses which would certainly necessitate the need for a right turn lane on Rt. 606. The proposed data center use is estimated to generate at full build-out, only 8 trips in the AM peak and 4 trips in the PM peak. These trip generation numbers are below the threshold that VDOT utilizes in determining the requirement for turn lanes for by-right uses. The business plan for this property is full use as a data center. The Applicant is willing to proffer to data center use only for the property which eliminates the possibility of other more traffic intensive uses without amending the zoning with a Zoning Concept Plan Amendment application. Should such an application ever be submitted and reviewed in the future, the requirement for a right turn lane would again be analyzed and the Applicant acknowledges that the right turn lane would likely be necessary if additional trips were anticipated at Wilder Court.

Issue Status: Issue resolved. While the 2010 CTP calls for left- and right-turn lanes at all intersections along Old Ox Road (VA Route 606), after further clarification by the Applicant at a meeting held on September 2, 2010, OTS recognizes that a right-turn lane at Wilder Court is not necessary in this particular case given the very low trip generation for the data center use. The Applicant's refined trip generation figures, as discussed at the September 2, 2010 meeting, are provided in *Attachment 1*. In addition, the Applicant has agreed, via a proffer, to have all deliveries made via Underwood Lane and install signage to that effect.

3. **Initial Staff Comment (1st Referral):** Please confirm whether there is any assurance that the site will remain as a 100% data center use. Should other approved uses (such as office) be realized, site access (including a westbound right-turn lane on Old Ox Road at Wilder Court) would need to be analyzed accordingly.

Applicant's Response (September 7, 2010): A proffer limiting use on the property to Data Center has been included in the revised proffer set submitted with this application.

Issue Status: Issue resolved. The Applicant has agreed, via a proffer, that any change in use from data center would require a new ZCPA Application. Turn-lane analysis for any other uses would be conducted as part of any future ZCPA application.

Conclusion

OTS has no objection to the approval of this application.

ATTACHMENT

1. Trip Generation figures from Applicant (Received September 2, 2010)

cc: Andrew Beacher, Director, OTS
Lou Mosurak, Senior Coordinator, OTS
Charles Acker, Traffic Controller/Engineer, OTS

NORTHPOINTE - ZCPA 2005-0011, Qwest at Le Bourget Business Park

23-Aug-10

EXISTING (Data center with only a portion of the building occupied, Phase I = 54,447 SF)

	AM PEAK			PM PEAK			TOTAL
	5-6 AM	6-7 AM	7-8 AM	3-4 PM	4-5 PM	5-6 PM	
SECURITY	3	0	0	0	0	0	
CUSTOMER STAFF	0	1	1	0	0	0	7
QWEST STAFF	0	0	2	2	0	0	3
Total =	3	1	3	2	0	0	6
							16

ULTIMATE (100% data center, entire building occupied, 131,192 SF)

	AM PEAK			PM PEAK			TOTAL
	5-6 AM	6-7 AM	7-8 AM	3-4 PM	4-5 PM	5-6 PM	
SECURITY	3	0	0	0	0	0	
CUSTOMER STAFF	0	2	2	0	0	0	7
QWEST STAFF	0	0	4	4	0	0	6
Total =	3	2	6	4	0	0	12
							25

The following is information provided by CEC and Qweston the actual staffing requirements of the facility:
The current weekday staffing (inclusive of the new Hosting Expansion) at V3 is as follows:

Security Staffing is divided into three shifts:

- 5:30 am to 2:30 pm – 3 people
- 2:00 pm to 11:00 pm – 2 people
- 10:30 pm to 6:00 am – 2 people

Customer Staffing is divided into two shifts:

- 7:00 am to 4 pm – 1 person and 8:00 am to 5 pm – 1 person
- 3:00 pm to 12:00 am – 1 person

Qwest Staffing is divided into the three shifts:

- 8:00 am to 6:00 pm – 2 people
- 4:00 pm to 2:00 am – 2 people
- 12:00 am to 10:00 am – 2 people

Staffing is deliberately scheduled in the above offset manner so as to allow for continuous coverage and oversight.

When the data center is fully developed (when the Old Ox Road side of the building is occupied) the Customer Staffing will increase by one person per shift, while the Qwest Staffing will increase by two people per shift. This would be the maximum.

Communications Engineering Consultants, LLC
6820 Lauffer Road

Columbus, Ohio 43231

614-392-2902 (Ext. 205) - Office

614-392-2907 - Facsimile

614-205-2127 - Mobile Phone

ATTACHMENT I



COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

July 12, 2010

Mr. Stephen Gardner, Project Manager
County of Loudoun
Department of Planning MSC#62
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000

Re: Qwest at Le Bourget Business Park
Loudoun County Application Number ZCPA 2005-0011

Dear Mr. Gardner:

We have reviewed the above referenced application as requested in your May 7, 2010 transmittal and we offer the following comments.

1. VDOT has no objection to Wilder Court remaining a private street. However, it appears that some of the traffic signal control equipment may be within the right of way of Wilder Court. The application should document that all signal equipment is either within the right of way of Route 606 or in an appropriate signal maintenance easement.

If you have any questions, please call me at (703) 383-2424.

Sincerely,

Thomas B. Walker
Senior Transportation Engineer





LOUDOUN COUNTY, VIRGINIA
Department of Fire, Rescue and Emergency Management

803 Sycolin Road, Suite 104 Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359



Memorandum

To: Stephen Gardner, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: July 6, 2010
Subject: Qwest at Le Bourget Business Park
ZCPA 2005-0011

RECEIVED

JUL 07 2010

LOUDOUN COUNTY
DEPARTMENT OF PLANNING

Thank you for the opportunity to review the above captioned application. The Fire and Rescue Planning Staff, in agreement with the Fire Marshal's Office, has no objection to the application as presented.

The Fire-Rescue GIS and Mapping coordinator offered the following information regarding estimated response times:

PIN	Project name	Sterling VFRC Station 11/15 Travel Time
046-36-8231	Qwest	5 minutes, 38 seconds

The Travel Times for each project were calculated using ArcGIS and Network Analyst extension to calculate the travel time in minutes. To get the total response time another two minutes were added to account for dispatching and turnout. This assumes that the station is staffed at the time of the call. If the station is unoccupied another one to three minutes should be added.

Project name	Sterling VFRC Station 11/15 Response Times
Qwest	7 minutes, 38 seconds

If you have any questions or need additional information, please contact me at 703-777-0333.

c: Project file

Important! The adopted Affidavit and Reaffirmation of Affidavit forms shall not be altered or modified in any way. Any form that is altered or modified in any way will not be accepted.

REAFFIRMATION OF AFFIDAVIT

In reference to the Affidavit dated April 9, 2010 for the Application of
(enter date of affidavit)

Qwest Communications Company LLC

(enter name(s) of Applicant(s))

in Application Number(s): ZCPA 2005-0011

(enter Application number(s))



I, Lori R. Greenlief, do hereby state that I am an

(check one) Applicant (must be listed in Paragraph B of the above-described affidavit)

 X Applicant's Authorized Agent (must be listed in Paragraph B of the above-described affidavit)

and that to the best of my knowledge and belief, the following information is true:

(check one)

 I have reviewed the above-described affidavit, and the information contained therein is true and complete as of _____ (today's date); or

 X I have reviewed the above-described affidavit, and I am submitting a new affidavit which includes changes, deletions or supplemental information to those paragraphs of the above-described affidavit indicated below:

(Check if applicable)

 Paragraph C-1

 Paragraph C-2

 X Paragraph C-3

 Paragraph C-4(a)

 Paragraph C-4(b)

 Paragraph C-4(c)

WITNESS the following signature: *Lori R. Greenlief*

(check one)

 Applicant X Applicant's Authorized Agent

Lori R. Greenlief, Land Use Planner

(Type or print first name, middle initial, last name and title of signee)

Subscribed and sworn to before me this 24th day of September, 2010,
in the State/Commonwealth of Virginia, County/City of Fairfax.

Grace E. Chae
Notary Public

My Commission expires: 5/31/2012

ATTACHMENT 2

Revised Octobe



I, Lori R. Greenlief, do hereby state that I am an

 Applicant

X Applicant's Authorized Agent listed in Section C.1. below

in Application Number(s): ZCPA 2005-0011

and that to the best of my knowledge and belief, the following information is true:

C. DISCLOSURES: REAL PARTIES IN INTEREST AND LAND USE PROCEEDINGS

1. REAL PARTIES IN INTEREST

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application* and if any of the forgoing is a **TRUSTEE**** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all AGENTS of any of the foregoing.

All relationships to the persons or entities listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together (ex. Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.) For a multiple parcel application, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

PIN	NAME (First, M.I., Last)	ADDRESS (Street, City, State, Zip Code)	RELATIONSHIP (Listed in bold above)
046-36-8231 046-37-2605	Qwest Communications Company LLC Agent: Dan G. Gleason	1801 California Street Suite 4600 Denver, CO 80202-2607	Applicant/Title Owner
	McGuire Woods LLP Agent: Jonathan P. Rak, Esquire & Lori R. Greenlief, Planner	1750 Tysons Boulevard Suite 1800 McLean, VA 22102	Attorney/Planner for Applicant
	Stantec Consulting Services Inc. Agent: Phillip DeLeon	108 Church Street Leesburg, VA 20175	Engineer/Agent for Applicant

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

 There are additional Real Parties in Interest. See Attachment to Paragraph C-1.

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

Qwest Communications Company LLC, 1801 California Street, Suite 4600, Denver, CO 80202-2607

Description of Corporation:

_____ There are 100 or fewer shareholders and all shareholders are listed below.

_____ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

_____ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

X There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

_____ There is additional Corporation Information. See Attachment to Paragraph C-2.

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

Stantec Consulting Services Inc., 108 Church Street, Leesburg, Virginia, 20175

Description of Corporation:

X *There are 100 or fewer shareholders and all shareholders are listed below.*

 There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.

 There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.

 There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Stantec Holdings (Delaware) III Inc. – 100%	

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

X Additional shareholder information is continued on an additional copy of page B-2

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

Stantec Holdings (Delaware) III Inc., 10160-112 Street, Edmonton, AB T5K2L6

Description of Corporation:

 X *There are 100 or fewer shareholders and all shareholders are listed below.*

 There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.

 There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.

 There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Stantec Technology International Inc. – 304 common shares	
3102452 Nova Scotia Company – 1,000 Series A Preferred Shares	

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

 X Additional shareholder information is continued on an additional copy of *page B-2*

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

Stantec Technology International Inc., 10160-112 Street, Edmonton, AB T5K2L6

Description of Corporation:

 X *There are 100 or fewer shareholders and all shareholders are listed below.*

 There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.

 There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.

 There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Stantec Inc. – 100%	

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

 X Additional shareholder information is continued on an additional copy of page B-2

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

3102452 Nova Scotia Company, 10160-112 Street, Edmonton, AB T5K2L6

Description of Corporation:

X *There are 100 or fewer shareholders and all shareholders are listed below.*

 There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.

 There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.

 There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Stantec Holdings Ltd. – 100%	

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

X Additional shareholder information is continued on an additional copy of page B-2

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

Stantec Inc., 10160-112 Street, Edmonton, AB T5K2L6

Description of Corporation:

☐ *There are 100 or fewer shareholders and all shareholders are listed below.*

☐ *There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.*

☐ *There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.*

☒ *There are more than 500 shareholders and stock is traded on a national or local stock exchange.*

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Public	

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

☒ Additional shareholder information is continued on an additional copy of page B-2

2. NAMES OF CORPORATION SHAREHOLDERS

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 1% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation (complete name, street address, city, state, zip)

Stantec Holdings Ltd., 10160-112 Street, Edmonton, AB T5K2L6

Description of Corporation:

 X *There are 100 or fewer shareholders and all shareholders are listed below.*

 There are more than 100 shareholders, and all shareholders owning 1% or more of any class of stock issued by said corporation are listed below.

 There are more than 100 shareholders but no shareholder owns 1% or more of any class of stock issued by said corporation, and no shareholders are listed below.

 There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of shareholders (first name, middle initial and last name)

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Stantec Inc. – 100%	

Names of Officers and Directors (first name, middle initial and last name & title, e.g. President, Secretary, Treasurer, etc.)

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)

Check if applicable:

 Additional shareholder information is continued on an additional copy of *page B-2*

3. PARTNERSHIP INFORMATION

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

Partnership name and address: (complete name, street address, city, state, zip)

McGuireWoods LLP, 1750 Tysons Boulevard, Suite 1800, McLean, VA 22102

☒ (check if applicable) The above-listed partnership has no limited partners.

Names and titles of the Partners:

<i>NAME</i> (First, M.I., Last)	<i>Title</i> (e.g. General Partner, Limited Partner, etc)
Gordon R. Alphonso	Equity Partner
Arthur E., II Anderson	Equity Partner
Mark E. Anderson	Equity Partner
Hubert Andre-Dumont	Equity Partner
Terrence M. Bagley	Equity Partner
Brian D. Barger	Equity Partner
John W. Barnum	Equity Partner
John S. Barr	Equity Partner
Scott L. Becker	Equity Partner
Thomas L. Becket	Equity Partner
Marshall H. Beil	Equity Partner

Check if applicable:

☒ Additional Partnership information attached. See Attachment to Paragraph C-3.

Equity Partners of McGuireWoods LLP

Dennis I. Belcher	Richard T. Greenberg	Robert W. McFarland
Craig D. Bell	John T. Grieb	Charles W. McIntyre
Richard A. Beresford	Jonathan P. Harmon	J. D. McLean
R. E. Bilik	Yvette (nmi) Harmon (former)	Emery B. McRill
Jonathan T. Blank	T. C. Harmon	Robert A. Muckenfuss
J. W. Boland	David L. Hartsell	Arthur B. Muir
Irving M. Brenner	Patrick L. Hayden	Sean F. Murphy
Edwin E. Brooks	Dion W. Hayes	James F. Neale
Thomas C. Brown, Jr.	George H. Heberton	Christopher S. Nesbit
Jonathan E. Buchan	Patrick T. Horne	Daniel B. Nunn, Jr. (former)
Stephen D. Busch	Patricia F. Hosmer	Clive R. O'Grady
Thomas E. Cabaniss	Benne C. Hutson	John B. O'Grady
Kimberly Q. Cacheris	Fred T. Isaf	James P. O'Hare
Scott S. Cairns	J. B. Jackson	David N. Oakey
Jeffrey R. Capwell	Richard L. Jarashow	Scott C. Oostdyk
Alan C. Cason	Barbara C. Johnston	John D. Padgett
Rebecca S. Chaffin	Sidney K. Kanazawa	David H. Pankey
John H. Cobb	Kimberly J. Kannensohn	Brian K. Parker
John V. Cogbill, III	Joanne (nmi) Katsantonis	H.W. Phears
Peter J. Covington	Mark L. Keenan	Robert S. Plotkin
Robert W. Cramer	Wade M. Kennedy	William F. Potts, Jr.
Richard J. Cromwell	Gregory R. Kilpatrick	Robert H. Pryor
Craig R. Culbertson	Donald E. King	David P. Pusateri
Richard (nmi) Cullen	Sally D. King	Jonathan P. Rak
Emmanuel de Cannart d'Hamale	Steven D. Kittrell	Robert B. Rakison
Patrick A. De Ridder	Timothy H. Kratz	Joseph K. Reid, III
Dorothea W. Dickerman	Kurt J. Krueger	David L. Richardson
Michael J. DiMattia	Bradley R. Kutrow	Gregory A. Riegler
Kathleen H. Dooley	Mark J. La Fratta	Lawrence E. Rifken (former)
Keith A. Dorman	Ava E. Lias-Booker	James B. Riley, Jr.
Scott P. Downing	Richard E. Lieberman	Brian C. Riopelle
Elizabeth F. Edwards	Nancy R. Little	Manley W. Roberts
Donald A. Ensing	William M. Long	Stephen W. Robinson
Douglas W. Ey, Jr.	Amy B. Manning	Marvin L. Rogers
Howard (nmi) Feller	William B. Marianes	Thomas P. Rohman
John C. Fennebresque	Robert G. Marks	Gregg M. Rosen
Douglas M. Foley	Gary S. Marshall	Dana L. Rust
Charles D. Fox, IV	Harrison L. Marshall, Jr.	Rodney A. Satterwhite
Bonnie M. France	Leonard J. Marsico	P. C. Scheurer
Mark E. Freedlander	Cecil E. Martin, III	Michael J. Schewel
Jeremy D. Freeman	George K. Martin	Gilbert E. Schill, Jr.
Joy C. Fuhr	Peter W. Martinez	Gordon W. Schmidt
E. Duncan Getchell, Jr. (former)	Richard J. Mason	Jane W. Sellers
Donald J. Gibson, Jr.	Eugene E. Mathews, III	Patrick M. Shelley
Margaret M. Glassman	William C. Mayberry	L. D. Simmons, II
Scott L. Glickson	Steven C. McCallum	Robert W. Simmons
Stephen (nmi) Gold	John G. McDonald	Halcyon E. Skinner
Philip (nmi) Goldstein	James P. McElligott	Daniel K. Slone
Richard S. Grant	Robert G. McElroy (former)	Thomas E. Spahn

Check if applicable:

X Additional Partnership information attached. See Attachment to Paragraph C-3.

Equity Partners of McGuireWoods LLP

Joel H. Spitz
Thomas J. Stallings
Bruce M. Steen
Marta A. Stein
Jacquelyn E. Stone
David I. Swan
Michael O. Tackley
Samuel L. Tarry, Jr.
James A. Thornhill
Joseph G. Tirone (former)
Xavier G. Van der Mersch
Scott P. Vaughn
Howard C. Vick, Jr.
Richard W. Viola
H. L. Wade, Jr.
John T. Walker, IV
James H. Walsh
Stephen H. Watts, II
Leslie M. Werlin
Scott E. Westwood
David B. Whelpley, Jr.
H. R. White, III
Walter H. White, Jr.
John D. Wilburn
Steven R. Williams
Ernest G. Wilson
James M. Wilson
Elizabeth G. Wren
Kevin J. Young
W. Carter Younger

Check if applicable:

___ Additional Partnership information attached. *See Attachment to Paragraph C-3.*

4. ADDITIONAL INFORMATION

- a. One of the following options **must** be checked:

___ In addition to the names listed in paragraphs C. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

X Other than the names listed in C. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

___ Additional information attached. *See Attachment to Paragraph C-4(a).*

- b. That no member of the Loudoun County Board of Supervisors, Planning Commission, Board of Zoning Appeals or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or though an interest in a partnership owning such land, or as beneficiary of a trust owning such land.

EXCEPT AS FOLLOWS: (If none, so state). NONE

Check if applicable:

___ Additional information attached. *See Attachment to Paragraph C-4(b).*

- c. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation (as defined in the Instructions at Paragraph B.3) in which any of them is an officer, director, employee, agent or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility, or bank), including receipt of any gift or donation having a value of \$100 or more, singularly or in the aggregate, with or from any of those persons or entities listed above.

EXCEPT AS FOLLOWS: (If none, so state). NONE

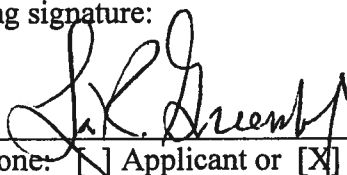
Check if applicable:

___ Additional information attached. *See Attachment to Paragraph C-4(c).*

D. COMPLETENESS

That the information contained in this affidavit is complete, that all partnerships, corporations (as defined in Instructions, Paragraph B.3), and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including any gifts or business or financial relationships of the type described in Section C above, that arise or occur on or after the date of this Application.

WITNESS the following signature:



check one: ☐ Applicant or ☒ Applicant's Authorized Agent

Lori R. Greenlief, Land Use Planner

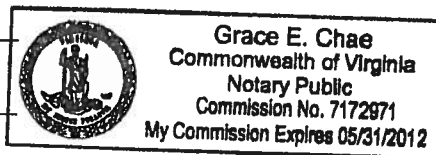
(Type or print first name, middle initial and last name and title of signee)

Subscribed and sworn before me this 24th day of September 2010, in the State/Commonwealth of Virginia, in the County/City of Fairfax.


Notary Public

My Commission Expires: 5/31/2012

Notary Registration Number: 7172971



September 7, 2010

VIA HAND DELIVERY

Judi Birkitt, Project Manager
Loudoun County Department of Planning
1 Harrison Street, Third Floor
Leesburg, VA 20177

RE: ZCPA 2005-0011, Qwest at Le Bourget Business Park, Response to First Referral Comments

Dear Ms. Birkitt:

I am writing on behalf of the applicant, Qwest Communications, to respond to staff's first referral comments on the above referenced application. The responses below are only to those agencies which had issues. For your convenience, each of the staff comments are stated below and the Applicant's responses follow in bold.

PROJECT MANAGER

1. With the response to 1st referrals, please include a complete Proffer Statement that clearly marks any revised, new, or deleted text (black-lined).

Applicant's Response. A complete set of proffers (clean and blacklined) have been submitted as part of the resubmission response to first referral comments.

VIRGINIA DEPARTMENT OF TRANSPORTATION – response to memorandum dated July 12, 2010

1. Illustrate on the Concept Plan that all traffic signal control equipment is either within the right-of-way of Route 606 or in a signal maintenance easement.

Applicant's Response. All signal control equipment is either in VDOT right-of-way or in an easement. Two non-exclusive signal utility easements for the installation, construction, operation and maintenance of the traffic signal, junction boxes and all other necessary appurtenances for the operation of the traffic signal were granted by the previous owners to VDOT.

OFFICE OF TRANSPORTATION – response to memo dated August 5, 2010

1. Comment. OTS has no issues with the Applicant's proposal to retain Wilder Court as a private street. The Applicant should ensure that the roadway meets all applicable FSM requirements for private streets.

Response. Wilder Court meets all FSM requirements for private streets.

2. Comment. The 2010 CTP calls for left- and right-turn lanes at all intersections along Old Ox Road. Given current speeds and traffic volumes along this roadway, the Applicant should install a right-turn lane to VDOT standards for safety reasons and driver expectations. It is noted that right-turn lanes are in place at many other intersections (including private driveways) on this segment of Old Ox Road. Absent the installation of a right-turn lane, Wilder Court should be closed, at least to inbound traffic, and alternative ingress/egress be provided via one or both of the existing rear site entrances from Underwood Lane. If access from Underwood Lane is pursued, a traffic analysis demonstrating the impact of site trips on the intersections of (1) Old Ox Road and Relocation Drive (VA Route 775) and (2) Relocation Drive and Underwood Lane should be provided for review.

Response. The recommendations of the Comprehensive Transportation Plan take into account existing zoning and planned uses for property within Loudoun County. The subject property, zoned PD-GI, could be developed with much more traffic intensive uses which would certainly necessitate the need for a right turn lane on Rt. 606. The proposed data center use is estimated to generate, at full build-out, only 8 trips in the AM peak and 4 trips in the PM peak. These trip generation numbers are below the threshold that VDOT utilizes in determining the requirement for turn lanes for by-right uses. The business plan for this property is full use as a data center. The Applicant is willing to proffer to data center use only for the property which eliminates the possibility of other more traffic intensive uses without amending the zoning with a Zoning Concept Plan Amendment application. Should such an application ever be submitted and reviewed in the future, the requirement for a right turn lane would again be analyzed and the Applicant acknowledges that the right turn lane would likely be necessary if additional trips were anticipated at Wilder Court.

3. Comment. Please confirm whether there is any assurance that the site will remain as a 100% data center use. Should other approved uses (such as office) be realized, site access (including a westbound right-turn lane on Old Ox Road at Wilder Court) would need to be analyzed accordingly.

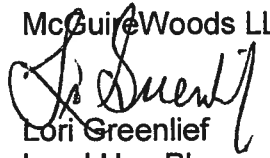
September 7, 2010
Page 3

Response. A proffer limiting use on the property to Data Center has been included in the revised proffer set submitted with this application.

Thank you for the opportunity to respond to the specific agency comments.
Please give me a call if there are any questions regarding any of the responses.

Best Regards,

McGuire Woods LLP



Lori Greenlief
Land Use Planner

cc: Dan Gleason, Qwest Communications
Ed Geraghty , Communications Engineering Consultants LLC
Phil DeLeon, Stantec

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**ZONING CONDITION PROFFER AMENDMENT
LE BOURGET INDUSTRIAL PARK**

ZCPA 2005-0011

April 2010

Revised September 7, 2010

I. OVERVIEW/BACKGROUND

Qwest Communication Company LLC, the Applicant, is the successor owner of a portion of the property which was the subject of ZMAP 85-21 and ZMAP 86-15 approved by the Loudoun County Board of Supervisors (BOS) on September 15, 1986. The original rezoning approvals encompassed 75.93 acres but the properties which are the subject of this zoning concept proffer amendment (ZCPA) application are GPINs 046-36-8231 and 046-37-2605 (the "Properties") which contain a total of 11.92 acres. The properties are zoned PD-GI and are governed by the 1972 Loudoun County Zoning Ordinance. They consist of an 11.51 acre parcel developed with an office building (data center) and a .41 acre parcel known as Wilder Court which functions as one of the entrances to the property. The property is planned for industrial use according to the Amended Planned Land Use Map and is located in the Suburban Policy Area of the Revised General Plan. It is subject to Light Industrial Use Policy recommendations and the Dulles North Area Management Plan recommendations.

Proffer #8 as adopted by the BOS with the approval of ZMAP 85-21 and ZMAP 86-15 requires that all internal and onsite roads within the development be dedicated for public road purposes and constructed to VDH&T standards. Likewise, Proffer #5 references dedication of right-of-way in the area of what is now Wilder Court. A copy of the adopted proffers are included as Attachment 1 for reference.

II. REQUEST

Because of circumstances described below, Wilder Court cannot be dedicated as a public road and accepted into the public street system. Therefore, amendments to adopted Proffers 5 and 8 are requested as outlined below. All other proffers adopted pursuant to the approval of ZMAP 85-21 and ZMAP 86-15 will remain in effect.

III. PROPOSED PROFFER AMENDMENTS

Proffer 5, as adopted, reads:

(5) To provide access to the northern portion of Applicant's property, Applicant agrees to dedicate sufficient right-of-way, consistent with VDH&T standards, for public road purposes, extending from the north

side of Route 606 opposite the FAA 80 foot right-of-way shown on Exhibit B, and extending in a northerly direction to a point intersecting any road designed to serve the northern part of the property. Applicant agrees to construct, within their portion of the right-of-way, a two lane section of roadway. Construction for this road improvement shall be bonded at time of final record plat approval for the lots on the north side of Route 606.

Proffer 5 needs to be amended to delete any references to dedicating right-of-way for public road purposes and any reference to construction of a two-lane road. As shown on Exhibit B, which is referenced in this proffer and is attached to this statement as Attachment 2, originally the zoning plan showed a road intersecting Rt. 606 and extending northward and then westerly to serve three lots. As indicated, those three lots have been combined into one lot. The public road to serve them as shown on Exhibit B was never built. Instead a shorter segment directly off of Rt. 606 with a cul-de-sac was constructed as a private road, Wilder Court.

Proffer 8, as adopted, reads:

(8) All internal and on site roads shall be dedicated for public road purposes and shall be constructed to VDH&T standards with dimensions as indicated on attached Exhibit B.

Proffer 8 needs to be amended to clarify that "Road C" as shown on Exhibit B does not have to be dedicated for public road purposes. Road C is being replaced by Wilder Court as shown on the ZCPA plan submitted with this application.

Attachment 3 is a set of draft proffers which includes the amendments to the two proffers as described above.

IV. JUSTIFICATION

Proffer #8 as accepted by the Board in conjunction with the approval of ZMAP 85-21 and ZMAP 86-15 requires the dedication and construction of all roads, including Road "C", as a public road. At the time of the original rezoning approval, it was envisioned that Road C would serve more than one lot within Le Bourget Business Park. Since that time, the lots have been combined and a site plan approved which shows an office building on the combined lot. Road "C", now known as Wilder Court, was approved by the county and constructed as a privately maintained road owned by the property owners association. It has since been deeded to Qwest Communication Company LLC. Wilder Court only serves one property. Pursuant to VDOT regulations,

the road is not eligible for acceptance into the state highway system since it serves fewer than 3 properties.

Likewise, Proffer 5 requires dedication of right-of-way and construction of a two-lane roadway north of Rt. 606. That dedication and construction is no longer necessary and is being replaced with Wilder Court, a private road. County staff has identified this inconsistency and requires this proffer amendment since neither Proffer 8 nor Proffer 5 as adopted can be fulfilled with respect to Road "C."

The subject property is administered under the 1972 Zoning Ordinance. Therefore, this application must meet the requirement of Section 1208 of the 1972 Ordinance. The application meets these requirements as discussed below:

- 1208.2.1: Relation to major road. The property is so located as to not create increased traffic along minor streets in residential neighborhoods. There will be no additional costs to the public as a result of this application.
- 1208.2.2: Relation to utilities. Sanitary sewer, water lines, storm and drainage systems and other utilities have already been established for the property. There will be no additional cost to the public as a result of this application. As a matter of fact, since Wilder Court will be privately owned and thus, maintained, the State will not have the expenditure of maintaining it.
- 1208.2.3. Relation to public facilities. There is no need to provide additional public facilities such as parks or schools as a result of this application.
- 1208.2.4: Additional public facilities. The application does not prompt the need for additional public facilities.
- 1208.2.5. Provisions for meeting requirements relative to major roads, utilities, and public facilities. There are no public costs associated with this change in proffer language. The provision of a right turn lane, as called for in the Comprehensive Transportation Plan, is not necessary given the low trip generation anticipated from the data center use. Included in the final proffer statement associated with this application is a commitment to develop the site with only data center uses. Any other future use of the property would require the approval of a ZCPA, the review of which will include a reassessment of the need for a right turn lane.

Northpointe/Le Bourget Park ZCPA
April 2010
Revised September 7, 2010
Page 4

Therefore, based on the foregoing and the impossibility of making Wilder Court a VDOT maintained public road, we respectfully request approval of the proffer amendment.

Attachments:

1. Adopted proffers, ZMAP 85-21 and 86-15
2. Exhibit B associated with adopted proffers
3. Draft proffers

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PROFFER STATEMENT
QWEST COMMUNICATIONS COMPANY LLC
September 7, 2010

Qwest Communications Company LLC, the owner of the properties described as Parcel A on Loudoun County Tax Map 94((21)) (GPIN 046-37-2605) and Parcel 12 on Loudoun County Tax Map 94((21)) (GPIN 046-36-8231) (the "Properties"), on behalf of themselves and their successors in interest, hereby voluntarily proffer that the Properties shall remain governed by proffers adopted with the approval of ZMAP 85-21 and ZMAP 86-15 except as modified by the proffers below. The proffers below shall pertain only to GPIN 046-37-2605 and GPIN 046-36-8231.

1. As it applies to the Properties, Proffer 5 adopted with the approval of ZMAP 85-21 and ZMAP 86-15 shall not require the construction of a two lane section of roadway or dedication of right-of-way on the north side of Rt. 606 as described in that proffer. Wilder Court shall be a private road constructed to VDOT standards for the same.
2. As applied to the Properties, Road C as described in Proffer 8 adopted with the approval of ZMAP 85-21 and ZMAP 86-15 shall be constructed as shown on Zoning Concept Plan Amendment plat dated April 2010, prepared by Stantec Consulting, Inc. rather than as shown on Exhibit B and shall in be private ownership and privately maintained.
3. The use of the Properties shall be limited to data center only. A Zoning Concept Plan Amendment (ZCPA) shall be submitted for review and approval, if in the future, other uses are proposed for the property.
4. All deliveries associated with the data center use shall enter and exit the property via the access point on Underwood Lane. Prior to zoning permit approval for additional occupancy in the existing building, a sign shall be erected at the Wilder Court entrance indicating that all truck traffic/deliveries shall use the Underwood Lane entrance. The copy on the sign shall be submitted to the Office of Transportation Services for review.

SIGNATURES ON NEXT PAGE

The undersigned hereby warrants that all the owners of any legal interest in the Property have signed this proffer statement, that he/she has full authority to bind the Property to these conditions, either individually or jointly with the other owners affixing their signatures hereto, and that the foregoing proffers are entered into voluntarily.

Qwest Communications Company, LLC

By: _____
Signature

Name: _____

Title: _____

Date: _____

County of Loudoun,
Commonwealth of Virginia

I, the undersigned notary public, in and for the state and city/county aforesaid, do hereby certify that _____ of whose name is signed to the foregoing instrument, has acknowledged the same before me.

Subscribed and sworn to before me this _____ day of _____ 2010.

My Commission Expires:

Date

Notary Public

Notary Registration Number: _____



IPA. BOLEN
Administrator

ONE: 777-0200

COMMONWEALTH OF VIRGINIA
COUNTY OF LOUDOUN

OFFICE OF COUNTY ADMINISTRATOR

18 NORTH KING STREET
LEESBURG, VIRGINIA 22075

FLORENTINE A. MILLER
Asst. County Administrator

JAMES R. KEENE, JR.
Asst. County Administrator

At a meeting of the Board of Supervisors of Loudoun County, Virginia, held in the Board of Supervisors' Meeting Room, 18 North King Street, Leesburg, Virginia, on Monday, September 15, 1986, at 1:30 p.m.

PRESENT: James F. Brownell, Chairman
Betty W. Tatum, Vice-Chairman
Andrew R. Bird, III
Thomas S. Dodson
Ann B. Kavanagh
Frank I. Lambert
Steve W. Stockman

ABSENT: Frank Raflo

IN RE: ZMAP 85-21 AND ZMAP 86-15/LE BOURGET INDUSTRIAL PARK

Mr. Stockman moved approval of Zoning Map Amendment Petitions 85-21 and 86-15, Le Bourget Industrial Park, including the proffers as revised and with the modifications of Section 723.6.2 as requested.

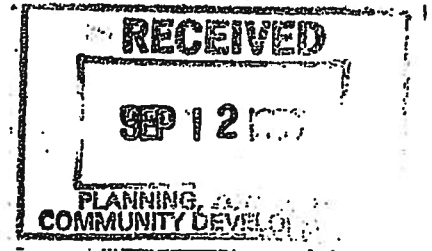
Voting on the motion: Supervisors Brownell, Tatum, Bird, Dodson, Kavanagh, Lambert, and Stockman - Yes; None - No; Raflo - Absent.

A COPY TESTE:

COUNTY ADMINISTRATOR FOR THE
LOUDOUN COUNTY BOARD OF SUPERVISORS

mlt:9/15/86

ATTACHMENT 5b



Re: REZONING APPLICATION
ZMAP #85-21 AND ZMAP #86-15
NV INDUSTRIAL PARTNERSHIP

PROFFERS

NVIndustrial Partnership, the Fee Owner and Applicant, being the sole owner of the property in the above-styled rezoning, hereby voluntarily proffers, for itself and its successors in interest, that in the event the subject property is rezoned by the Board of Supervisors of Loudoun County from R-1 to PD-GI and from F-1 and F-2 to PD-GI, together with modifications of setbacks, (100 to 35 feet for building and delete 50 foot parking setback), and modification of waiver of cul-de-sac length, pursuant to the above Applications, the development of the property shall be in general conformity with the following conditions pursuant to Section 15.1-491 (a) of the 1950 Code of Virginia, as amended, and Sections 540 and 540.1 through 540.15, inclusive, of the Zoning Ordinance of Loudoun County, Virginia:

(1) Applicant will dedicate additional right-of-way for the widening of Route 606 along the frontage of the property to provide for an ultimate right-of-way section of 120 feet. The additional dedication will be of 40 feet and will occur along the north side of Route 606 along Applicant's frontage. Dedication of this additional right-of-way shall occur at time of final subdivision record plat approval of the lots on the north side of Route 606.

(2) Applicant will construct two additional travel lanes along Route 606 along its entire frontage of the subject property so as to create a four lane section, with median, along such frontage. Construction of the additional two lanes will be commenced after Route 606 has been improved to a four lane section from its intersection with Route 28 in a westerly

direction to the eastern property line of the subject tract. Bonding for this improvement will be posted at time of final subdivision approval, and such bonding will be maintained through time of actual construction of this improvement.

(3) Applicant will dedicate additional right-of-way for the reconfiguration of the current intersection of Route 606 with Route 775 on the north side of Route 606, the reconfiguration to be as shown on plans and drawings of Greenhorne and O'Mara, Inc., dated the 30th day of July, 1986, and attached hereto as Exhibit A. Dedication of this additional right-of-way shall be made at the time of final record plat approval of the lots on the north side of Route 606. Applicant will reserve for possible dedication, for public road purposes, for a period not to exceed ten (10) years from the date of final zoning approval of these applications, a small portion of land on the south side of the intersection, and as depicted on the above plans. Unless requested by VDH&T, or Loudoun County, to accomplish this dedication within such period, this reservation shall lapse and be of no further effect.

(4) Applicant will access onto Route 606 from the southern portion of the subject property at a location designated on attached plat attached hereto as Exhibit B as "FAA 80 Foot Right-of-Way". In conjunction with this access, Applicant agrees that it will construct a two lane roadway, meeting VDH&T standards, extending from Route 606 in a southerly direction along such access (to be dedicated for public road purposes) to the Airport property line adjacent to the southeast corner of the property of Applicant. Construction for this road improvement shall be bonded at time of final record plat subdivision approval.

(5) To provide access to the northern portion of Applicant's property, Applicant agrees to dedicate sufficient right-of-way, consistent with VDH&T standards, for public road purposes, extending from the north side of Route 606 opposite the FAA 80 foot right-of-way shown on Exhibit B, and extending in a northerly direction to a point intersecting any road designed to serve the northern part of the property. Applicant agrees to construct, within their portion of the right-of-way, a two lane section of roadway. Construction for this road improvement shall be bonded at time of final record plat approval for the lots on the north side of Route 606.

(6) In the event by the time of the submission of preliminary subdivision plats for subdivision of any of the subject property, FAA has not dedicated for public road purposes the 80 foot right-of-way south of Route 606, as hereinabove defined, and as set forth on Exhibit B, (or made other arrangements with VDH&T to convert this 80 foot right-of-way to a roadway open to public usage), then and in that event, Applicant shall have the option (in lieu of the arrangement set forth in Paragraphs 4 and 5 above) to construct entrances to both the north and southern parcels of the subject tract, such entrances to Route 606 to be located approximately 800 feet east of the present intersection of Routes 606 and 775 in accordance with VDH&T design standards. In the event Applicant elects to access his properties in this manner, there shall be only one median cut intersection with Route 606 east of Route 775 for the subject property. The Applicant may also have access to the median cut at Route 775 in the event this road; south of Route 606; is maintained as a public road. In any event, there shall be a maximum of two access points to Route 606.

(7) The Applicant will provide continuous access to Gate 14. The Applicant shall petition Loudoun County and/or VDH&T, as appropriate, to seek abandonment of that portion of Route 775 from its existing intersection with Route 606 south to the property line of the FAA at such time as this section of Route 775 is no longer necessary for access to Gate 14. Applicant will dedicate its internal road network and will, if necessary, provide a connection to a public road through an ingress and egress easement from the termination of any such dedication to Gate 14 of the FAA property so as to maintain, at all times, emergency vehicle and special event access to and from public roads and Gate 14, such access to be at least the quality of the current access along Route 775. In any event, and even after complete dedications and abandonment of the above-described section of Route 775, Applicant shall continue to maintain, if needed by FAA, an easement from Gate 14 to a public dedicated road so as to provide for continuous, uninterrupted, ingress and egress for emergency vehicle and special event traffic to and from the Gate 14 entrance.

(8) All internal and on site roads shall be dedicated for public road purposes and shall be constructed to VDH&T standards with dimensions as indicated on attached Exhibit B.

(9) Applicant agrees to abandon the existing wells on site in accordance with Health Department procedures, and to interconnect water and sewer lines with the Sanitation Authority.

(10) The revised flood plain limits shall be established in general conformance with WHGA Sketch Plan, dated 2/24/86 attached as Exhibit B. These revised limits as shown shall maintain an effective flood plain flow area equivalent to that presently existing, that is resulting in no increase.

SEP 15 1986

in flood elevations and flow velocities, consistent with current Loudoun County and Federal Emergency Management Agency standards..

(11) A new flood plain easement described by metes and bounds shall be recorded on this property.

(12) Site grading will be staged in order to complete flood plain improvements in a timely manner. Remaining site and road construction shall be segregated from the completed flood plain improvements, so that vegetative cover can be reestablished as soon as possible.

(13) Vegetative cover over all graded areas shall be reestablished in a timely manner. Stripped top soil shall be stockpiled and replaced over disturbed areas to a minimum depth of 4 inches. Kentucky 31 Fescue shall be utilized to establish permanent vegetation in conjunction with necessary applications of lime and fertilizer.

(14) Final construction documents for work within the existing Flood Hazard District will be designed to provide a balance of earthwork cut and fill over the site.

(15) The final design of building sites which drain to Horsepen Run will be accomplished to include infiltration trenches and/or overland flow through vegetated areas to improve water quality through a reduction of "first flush" pollutant levels in the stream. These design methodologies will additionally induce ground water recharge which normally would not be provided.

(16) A public pedestrian trail along the perimeter of the site abutting Dulles International Airport and the flood plain will be constructed. This trail will be field located in conjunction with representatives of the Loudoun County Parks and Recreation Department.

(17) The Applicant will construct a storm water management facility within the Flood Hazard District for the entire site. The storm water management facility will consist of detention and control devices which are engineered to reduce or equal the pre-developed peak discharge into the channel under post developed conditions for a two year storm event.

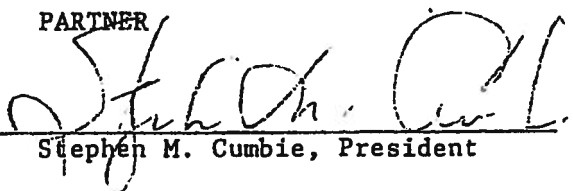
(18) At time of issuance of building permits for individual buildings being constructed on the property, Applicant, or its successor in interest, shall pay unto the volunteer fire and rescue facility having the primary response responsibility for this area, a one time total cash contribution of TEN CENTS (\$0.10) per square foot based on the area of each such building, such contribution to be allocated equally to the appropriate fire and rescue facility.

(19) In the event that the ultimate alignment of Route 267, extended, (Toll Road) crosses the subject property, then Applicant will dedicate, for public road purposes and at no cost, to County or VDH&T portions of the subject property which lie within the limits of the newly established flood plain (that is the flood plain which results from the approval of this rezoning) such area of possible dedication not to include any area within any proposed lot as depicted on the Sketch Plan, Exhibit B.

NV INDUSTRIAL PARTNERSHIP

By: NV COMMERCIAL INCORPORATED - GENERAL
PARTNER

By


Stephen M. Cumbie, President

STATE OF VIRGINIA

CITY/COUNTY OF Loudoun, to-wit:

The foregoing instrument was acknowledged before me this 12th day of September, 1986, by Stephen M. Cumbie, President of NV Industrial Partnership.

Agnes S. Graham
Notary Public

My Commission Expires:

17 June 1990

[illegible]

SHINJON WULLEN IN. 1.1 AIRPORT

SKETCH PLAN M83705

LE BOURGET

DEVELOPER - NV INDUSTRIAL 0

1 100' B. F.B. 24, 1988

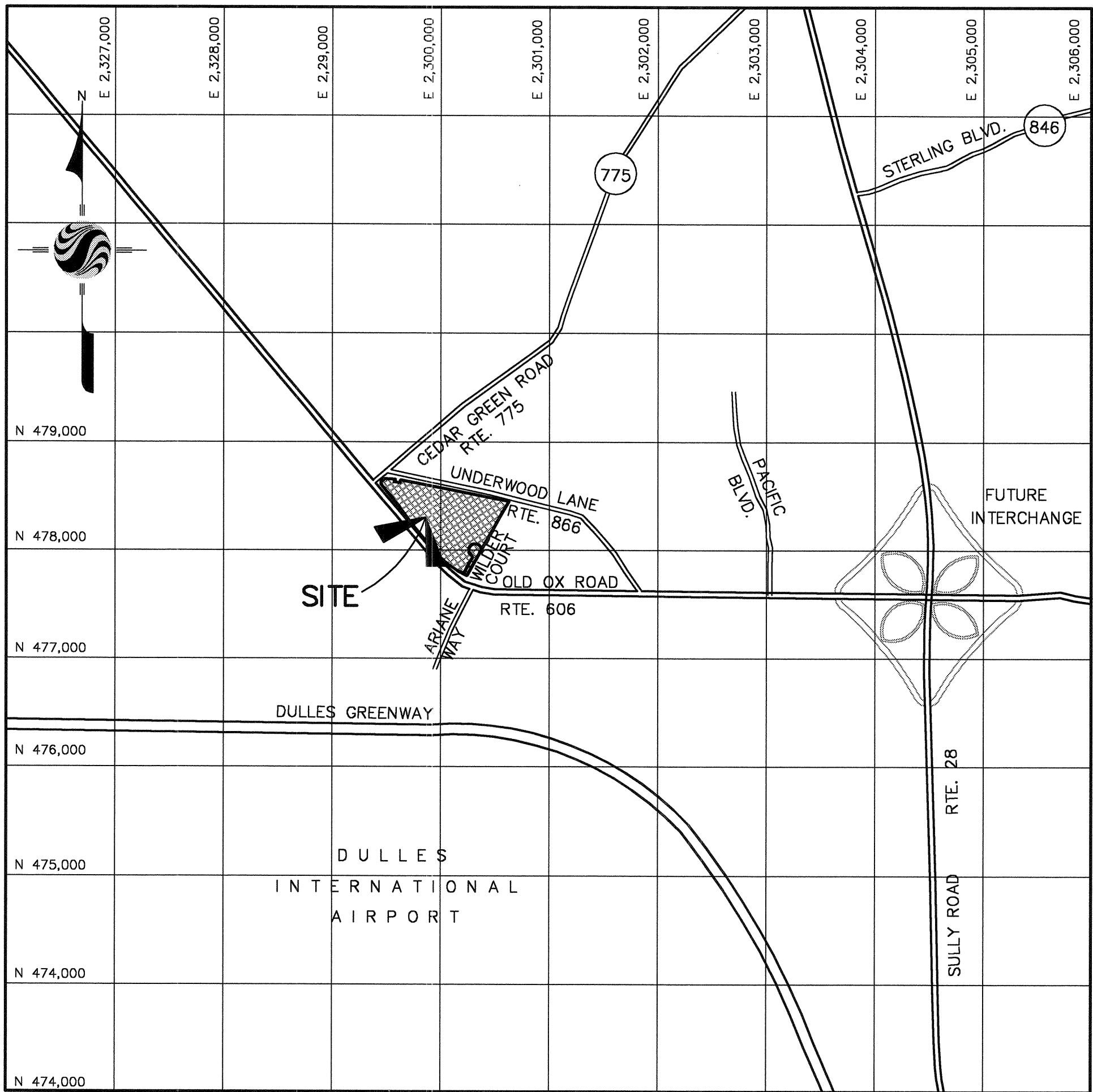
William H. Gordon Associates, Inc.
1200 Robert Fulton Drive
St. Louis, MO 63104

2MAP-85-21
2MAP-86-155

GENERAL NOTES:

1. BOUNDARY INFORMATION AS SHOWN HEREON WAS OBTAINED FROM A BOUNDARY SURVEY, PREPARED BY: BOWERS & ASSOCIATES, BEING DATED: SEPT.28-30 & OCT. 1 1998, AND FROM DEEDS OF RECORD. THE ATTACHED PLANS HAVE BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DO NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE SUBJECT PROPERTY. THE LAST INSTRUMENT IN THE CHAIN OF TITLE CAN BE FOUND IN DEED BOOK 1676, PAGE 1973 & INST.# 20100325-0017135
2. TOPOGRAPHIC SURVEY DATA AS SHOWN HEREON WAS OBTAINED FROM FIELD RUN DATA (2 FOOT CONTOUR INTERVAL), PREPARED BY: BOWERS & ASSOCIATES, SAID SURVEY BEING DATED:SEPT. 28-30 & OCT.1, 1998.
3. TO VERIFY EXISTING TOPOGRAPHIC FEATURES IN AREAS CRITICAL TO DESIGN AND CONSTRUCTION, A FIELD UPDATE SURVEY WAS PERFORMED BY BOWERS & ASSOCIATES, LTD. ON SEPT.28-30 & OCT. 1 1998.

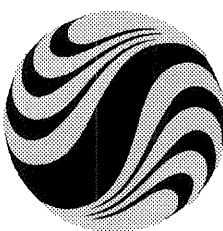
ZONING CONCEPT PLAN AMENDMENT
ZCPA 2010-
NORTHPOINTE
LE BOURGET BUSINESS PARK LOT 12A-1 & PARCEL A
DULLES ELECTION DISTRICT
LOUDOUN COUNTY, VIRGINIA



VICINITY MAP

SCALE: 1"=1000'

OWNER/APPLICANT:
QWEST COMMUNICATIONS COMPANY LLC
1801 CALIFORNIA ST STE 4600
DENVER CO, 80202-2607
303-965-2779



Stantec

Stantec Consulting Inc.
108 Church Street, SE
Leesburg, VA 20175-3003
Tel: 703.777.0063
Fax: 703.777.2480

www.stantec.com

DATE ISSUED:
APRIL 2010

SITE/ZONING DATA:

1. SUBJECT PROPERTY IS SHOWN AS BEING PARCELS NUMBER 12A-1 AND A AS CONTAINED ON SHEET 94 ((21)) OF THE LOUDOUN COUNTY REAL ESTATE ASSESSMENT MAPS, MCP# 046-36-8231 AND 046-37-2605.
2. WATER AND SEWER SERVICE TO BE PROVIDED BY: LOUDOUN COUNTY SANITATION AUTHORITY
3. THERE IS NO 100 YEAR FLOOD PLAIN ON THIS SITE AS EVIDENCED BY THE FLOOD PLAIN MAP OF LOUDOUN COUNTY
4. THE FOLLOWING "APPROVED LAND DEVELOPMENT APPLICATIONS" WHICH PRECEDE THIS APPLICATION ARE ASSOCIATED WITH THIS PROJECT:

- A. ZMAP 85-21
B. BLAD 85-21
C. SBPL 1986-0039
D. ZMAP 1986-0015
E. SP1 1988-0140
F. BLAD 1989-0210
G. BLAD 1989-0013
H. SPAM 1990-0026
I. STPL 1999-0017
J. SPAM 2000-0004
K. STPL 2000-0057
L. SPAM 2001-0125 (APPROVED 5/6/02)
M. SPAM 2004-0092 (APPROVED 1/3/05)
N. ZCPA 2005-0011 (PENDING)
O. SPAM 2005-0088 (APPROVED 2/27/06)
P. SPAM 2009-0068 (APPROVED 12/28/09)

5. THE SITE IS CURRENTLY ZONED PD-GI AND IS BEING ADMINISTERED UNDER THE 1972 LOUDOUN COUNTY ZONING ORDINANCE.
6. EXISTING USE: OFFICE/DATA CENTER.
7. THE SUBJECT DEVELOPMENT SITE CONTAINS CLASS IV SOILS PER THE LATEST COUNTY SOILS MAP AND THE INTERPRETIVE GUIDE TO SOILS MAPS, LOUDOUN COUNTY, VIRGINIA. PER THE LOUDOUN COUNTY FACILITIES STANDARDS MANUAL SECTION 6.300, A DETAILED GEOTECHNICAL STUDY WILL BE SUBMITTED BY SEPERATE COVER.

EXISTING SITE CALCULATIONS

8 TOTAL SITE AREA SUBJECT TO THIS APPLICATION.....	11.51 AC
	501,356 SF
9 MAXIMUM PERMITTED FLOOR AREA	200,542 SF 0.40
EXISTING FLOOR AREA	131,192 SF 0.26
(OFFICE USE = 60,267 SF) (DATA CENTER USE = 70,925 SF)	
PROPOSED FLOOR AREA	2,254 SF
TOTAL FLOOR AREA.....	133,446 SF 0.27
(OFFICE USE = 60,267 SF) (DATA CENTER USE = 73,179 SF)	
10 MAXIMUM PERMITTED LAND COVERAGE	225,610 SF 0.45
EXISTING LAND COVERAGE.....	131,192 SF 0.26
PROPOSED LAND COVERAGE	2,254 SF
TOTAL LAND COVERAGE	133,446 SF 0.27
11 MINIMUM OFF-STREET PARKING REQUIRED FOR (DATA CENTER) CALCULATED AT (1.0) SPACE PER EMPLOYEE PER WORK SHIFT	20 SPACES
((1.0) X 20 (PERSONS) = 20 PARKING SPACES	
MINIMUM OFF-STREET PARKING REQUIRED FOR (OFFICE USE) CALCULATED AT (1 SPACE PER 375 SF NET).....	121 SPACES
(NET CALCULATED @ 75% OF GROSS OFFICE BUILDING AREA) (60,267 X .75 = 45,200.25 / 375 = 121)	
TOTAL PARKING REQUIRED	141 SPACES
TOTAL PARKING PROVIDED (7 HANDICAP + 185 STANDARD SPACES).....	192 SPACES
12 MINIMUM OFF-STREET LOADING SPACES REQUIRED.....	1 SPACE
PROPOSED OFF-STREET LOADING SPACES.....	1 SPACE
13 MINIMUM REQUIRED LANDSCAPED OPEN SPACE.....	100,271 SF 0.20
PROPOSED LANDSCAPED OPEN SPACE	157,230 SF 0.31
14 MAXIMUM PERMITTED BUILDING HEIGHT.....	35 FT
(OR UP TO 100' PROVIDED ADDITIONAL SETBACK OF 2' PER 1' OF ADDITIONAL HEIGHT.)	
PROPOSED BUILDING HEIGHT.....	23.08 FT
15 BUILDING SETBACKS ADJACENT TO PUBLIC STREETS.....	35 FT
PARKING SETBACKS ADJACENT TO PUBLIC STREETS	35 FT

PROPOSED SITE CALCULATIONS (100% OFFICE USE)

SITE ZONING TABULATIONS

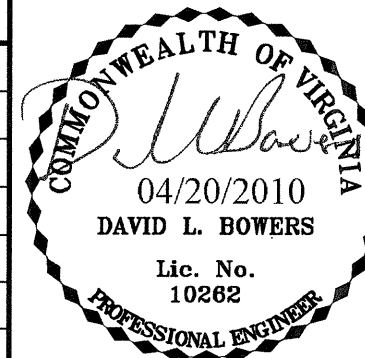
THIS PROPERTY IS CURRENTLY ZONED PD-GI AND IS TO BE ADMINISTERED UNDER THE 1972 LOUDOUN COUNTY ZONING ORDINANCE.

16 EXISTING SITE AREA	11.510 AC	501,356 SF
WILDER COURT (CONVEYED FROM BUSINESS PARK TO QWEST).....	0.405 AC	17,647 SF
PROPOSED TOTAL SITE AREA SUBJECT TO THIS APPLICATION	11.915 AC	519,003 SF
17 MAXIMUM PERMITTED FLOOR AREA	200,542 SF	0.40
EXISTING FLOOR AREA	131,192 SF	0.26
18 MAXIMUM PERMITTED LAND COVERAGE	225,610 SF	0.45
EXISTING LAND COVERAGE.....	131,192 SF	0.26
19 MINIMUM OFF-STREET PARKING REQUIRED FOR DATA CENTER CALCULATED AT (1.0) SPACE PER EMPLOYEE	30 SPACES	
((1.0) X 30 (PERSONS) = 30 PARKING SPACES		
TOTAL PARKING REQUIRED	30 SPACES	
TOTAL PARKING PROVIDED (1 HANDICAP + 112 STANDARD SPACES).....	113 SPACES	
20 MINIMUM OFF-STREET LOADING SPACES REQUIRED.....	1 SPACE	
PROPOSED OFF-STREET LOADING SPACES.....	1 SPACE	
21 MINIMUM REQUIRED LANDSCAPED OPEN SPACE	100,271 SF	0.20
PROPOSED LANDSCAPED OPEN SPACE	157,230 SF	0.31
22 MAXIMUM PERMITTED BUILDING HEIGHT.....	35 FT	
(OR UP TO 100' PROVIDED ADDITIONAL SETBACK OF 2' PER 1' OF ADDITIONAL HEIGHT.)		
PROPOSED BUILDING HEIGHT.....	23.08 FT	
23 BUILDING SETBACKS ADJACENT TO PUBLIC STREETS.....	35 FT	
PARKING SETBACKS ADJACENT TO PUBLIC STREETS	35 FT	

SHEET INDEX:

1. COVER SHEET
2. LAYOUT PLAN
3. LAYOUT PLAN
4. EXISTING & PROPOSED CONDITIONS

Revision:	Date:



CURVE TABLE						
CURVE	RADIUS	LENGTH	TANGENT	CHORD	BEARING	DELTA
C1	876.44'	378.88'	192.44'	375.93'	S 51°30'14" E	24°46'06"
C2	3843.00'	137.42'	68.72'	137.41'	S 28°11'42" W	02°02'56"
C3	16.00'	24.49'	15.37'	22.17'	N 14°38'03" W	87°42'27"
C4	59.00'	242.65'	111.80'	104.36'	S 59°20'00" W	235°38'35"
C5	100.00'	12.35'	6.18'	12.34'	N 46°43'24" E	07°04'38"
C6	245.00'	32.62'	16.33'	32.60'	S 75°32'00" E	7°37'43"

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 21°23'31" E	19.21'
L2	S 83°01'25" E	50.00'
L3	S 85°44'20" E	100.90'
L4	N 50°15'43" E	31.13'
L5	N 02°30'16" E	23.64'
L6	N 36°02'33" W	100.54'
L7	N 35°41'10" W	100.18'
L8	S 29°13'10" W	30.06'
L9	S 21°26'22" W	25.00'

PS BUSINESS PARK LP
TAX MAP 94 PARCEL ((21)) 8
MCPI# 046-36-3220
USE: FLEX WAREHOUSE
ZONED: PD-GI

APA PROPERTIES NO. 3LP
TAX MAP 94 PARCEL ((21)) 9
MCPI# 046-36-5700
USE: WAREHOUSE
ZONED: PD-GI

SCHNABEL FOUNDATION COMPANY
OF MARYLAND
TAX MAP 94 PARCEL 11-B
MCPI# 046-46-3914
ZONED: PD-GI
USE: WAREHOUSE

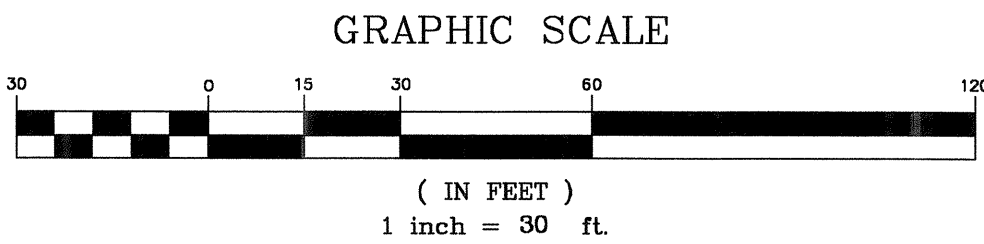
SAVOY TRUST INDIAN CREEK LLC
TAX MAP 94 PARCEL 37B
MCPI# 046-36-9772
ZONED: PD-GI
USE: FLEX-WAREHOUSE

DATA CENTER USE
1 STORY
131,192 SF
FF = 275.00

PHASE 2 = 76,745 SF

LIGHTING NOTE:
SITE AND BUILDING LIGHTING WILL BE PROVIDED WITH ARCHITECTURAL PLANS WITH SUBMITTAL FOR BUILDING PERMITS. ELECTRICAL PLANS SHALL ESTABLISH MOUNTING HEIGHT, LUMINANCE AND SPACING. AT A MINIMUM AVERAGE ILLUMINATION OF 0.6 FOOT-CANDLES OR GREATER SHALL BE PROVIDED IN THE PARKING AREAS AND BUILDING ENTRANCES

NOTE:
ALL CURB RADII ARE 5'
UNLESS OTHERWISE NOTED.



LAYOUT PLAN
NORTHPOINTE
LE BOURGET BUSINESS PARK LOT 12A-1
ZONING CONCEPT PLAN AMENDMENT
DULLES ELECTION DISTRICT
LOUDOUN COUNTY, VIRGINIA

Date: APRIL 2010
Scale: 1"=30'
Design: AH Drawn: AH
Project No. 192520008
Sheet 2 of 4
Cad File 5094zcpa.dwg
File No. 5094

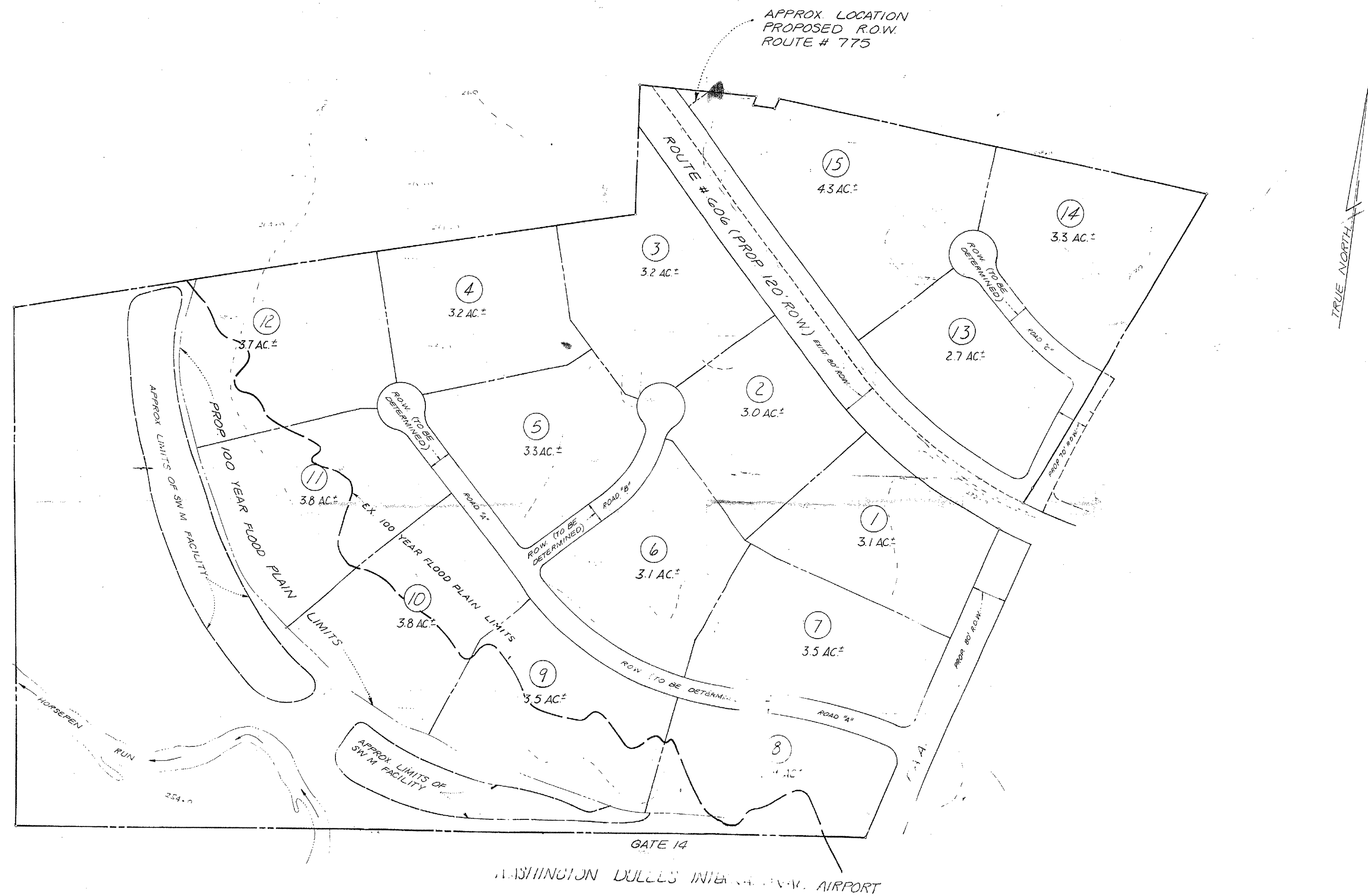


Date:	
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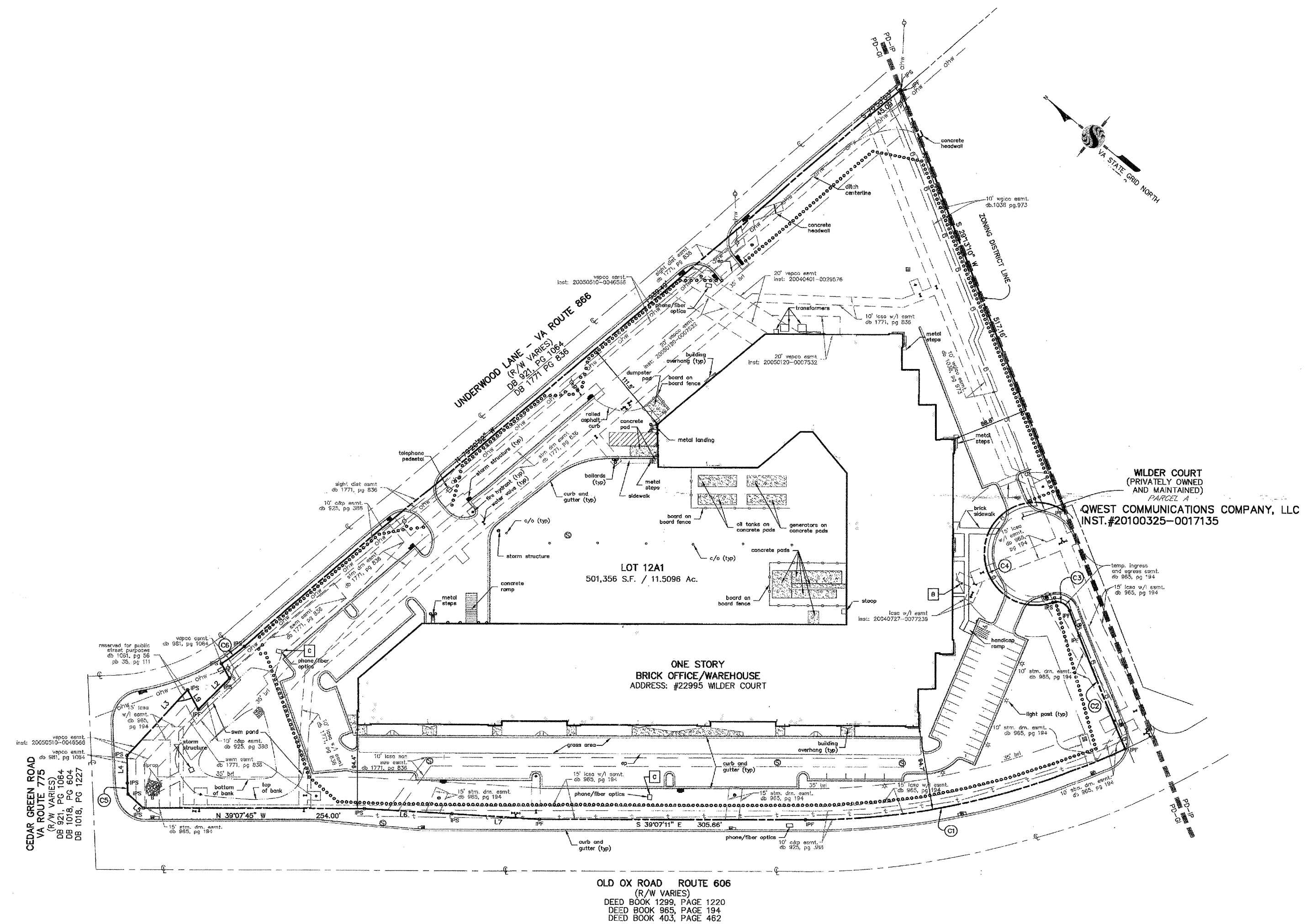


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EXISTING CONDITIONS (PER ZMAP 85-21 / ZMAP 86-15)



PROPOSED CONDITIONS



STATEMENT OF JUSTIFICATION

PROPOSED ZONING CONDITION PROFFER AMENDMENT
LE BOURGET INDUSTRIAL PARK
ZMAP 85-21 AND ZMAP 86-15
April 2010

I. OVERVIEW/BACKGROUND

Qwest Communication Company LLC, the Applicant, is the successor owner of a portion of the property which was the subject of ZMAP 85-21 and ZMAP 86-15 approved by the Loudoun County Board of Supervisors (BOS) on September 15, 1986. The original rezoning approvals encompassed 75.93 acres but the properties which are the subject of this zoning concept proffer amendment (ZCPA) application are GPINs 046-36-8231 and 046-37-2605 (the "Properties") which contain a total of 11.92 acres. The properties are zoned PD-G1 and are governed by the 1972 Loudoun County Zoning Ordinance. They consist of an 11.51 acre parcel developed with an office building (data center) and a .41 acre parcel known as Wilder Court which functions as one of the entrances to the property. The property is planned for industrial use according to the Amended Planned Land Use Map and is located in the Suburban Policy Area of the Revised General Plan. It is subject to Light Industrial Use Policy recommendations and the Dulles North Area Management Plan recommendations.

Proffer #8 as adopted by the BOS with the approval of ZMAP 85-21 and ZMAP 86-15 requires that all internal and onsite roads within the development be dedicated for public road purposes and constructed to VDH&T standards. Likewise, Proffer #5 references dedication of right-of-way in the area of what is now Wilder Court.

II. REQUEST

Because of circumstances described below, Wilder Court cannot be dedicated as a public road and accepted into the public street system. Therefore, amendments to adopted Proffers 5 and 8 are requested as outlined below. All other proffers adopted pursuant to the approval of ZMAP 85-21 and ZMAP 86-15 will remain in effect.

III. PROPOSED PROFFER AMENDMENTS

Proffer 5, as adopted, reads:

(5) To provide access to the northern portion of Applicant's property, Applicant agrees to dedicate sufficient right-of-way, consistent with VDH&T standards, for public road purposes, extending from the north

side of Route 606 opposite the FAA 80 foot right-of-way shown on Exhibit B, and extending in a northerly direction to a point intersecting any road designed to serve the northern part of the property. Applicant agrees to construct, within their portion of the right-of-way, a two lane section of roadway. Construction for this road improvement shall be never built. Instead a shorter segment directly off of Rt. 606 with a cul-de-sac was constructed as a private road, Wilder Court.

Proffer 5 needs to be amended to delete any references to dedicating right-of-way for public road purposes and any reference to construction of a two-lane road. The original zoning plan shows a road intersecting Rt. 606 and extending northward and then westerly to serve three lots. As indicated, those three lots have been combined into one lot. The public road to serve them was never built. Instead a shorter segment directly off of Rt. 606 with a cul-de-sac was constructed as a private road, Wilder Court.

Proffer 8, as adopted, reads:

(8) All internal and on site roads shall be dedicated for public road purposes and shall be constructed to VDH&T standards with dimensions as indicated on attached Exhibit B.

Proffer 8 needs to be amended to clarify that "Road C" as shown on Exhibit B does not have to be dedicated for public road purposes. Road C is being replaced by Wilder Court as shown on the ZCPA plan submitted with this application.

Attachment 3 is a set of draft proffers which includes the amendments to the two proffers as described above.

IV. JUSTIFICATION

Proffer #8 as accepted by the Board in conjunction with the approval of ZMAP 85-21 and ZMAP 86-15 requires the dedication and construction of all roads, including Road "C", as a public road. At the time of the original rezoning approval, it was envisioned that Road C would serve more than one lot within Le Bourget Business Park. Since that time, the lots have been combined and a site plan approved which shows an office building on the combined lot. Road "C", now known as Wilder Court, was approved by the county and constructed as a privately maintained road owned by the property owners association. It has since been deeded to Qwest Communication Company LLC. Wilder Court only serves one property. Pursuant to VDOT regulations,

the road is not eligible for acceptance into the state highway system since it serves fewer than 3 properties.

Likewise, Proffer 5 requires dedication of right-of-way and construction of a two-lane roadway north of Rt. 606. That dedication and construction is no longer necessary and is being replaced with Wilder Court, a private road. County staff has identified this inconsistency and requires this proffer amendment since neither Proffer 8 nor Proffer 5 as adopted can be fulfilled with respect to Road "C".

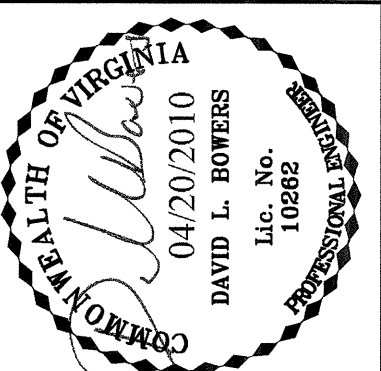
The subject property is administered under the 1972 Zoning Ordinance. Therefore, this application must meet the requirement of Section 1208 of the 1972 Ordinance. The application meets these requirements as discussed below:

- 1208.2.1:** Relation to major road. The property is so located as to note create increased traffic along minor streets in residential neighborhoods. There will no additional costs to the public as a result of this application.
- 1208.2.2:** Relation to utilities. Sanitary sewer, water lines, storm and drainage systems and other utilities have already been established for the property. There will be no additional cost to the public as a result of this application. As a matter of fact, since Wilder Court will be privately owned and thus, maintained, the State will not have the expenditure of maintaining it.
- 1208.2.3:** Relation to public facilities. There is no need to provide additional public facilities such as parks or schools as a result of this application.
- 1208.2.4:** Additional public facilities. The application does not prompt the need for additional public facilities.
- 1208.2.5:** Provisions for meeting requirements relative to major roads, utilities, and public facilities. There are no public costs associated with this change in proffer language.

Therefore, based on the foregoing and the impossibility of making Wilder Court a VDOT maintained public road, we respectfully request approval of the proffer amendment.

EXISTING & PROPOSED CONDITIONS
NORTHPOINTE
LE BOURGET BUSINESS PARK LOT 12A-1
ZONING CONCEPT PLAN AMENDMENT
DULLES ELECTION DISTRICT
LOUDOUN COUNTY, VIRGINIA

Date: APRIL 2010
Scale: NONE
Design: JAM Drawn: JAM
Project No. 192520008
Sheet 4 of 4
Cad File 5094zcpa.dwg
File No. 5094



Date:	
Revision:	



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